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No. 10] NEW DELHI, SATURDAY, MARCH 10, 1990/PHALGUNA 19 1911

इस भाग में भिन्न पृष्ठ संख्या वी जाती है जिससे कि यह अलग संकाय के साथ संख्या जाए जा सके।

Separate Paging is given to this Part in order that it may be filed as a separate compilation.

भाग II—लंगड़ 3—उप-खण्ड (ii)
PART II—Section 3—Sub-Section (ii)

(रक्षा भंडालय को छोड़ कर) भारत सरकार के मंत्रालयों द्वारा आरो दिए गए राजीविधिक आवेदन और अधिकाराएँ
Statutory Orders and Notifications Issued by the Ministries of the Government of India (other than
the Ministry of Defence)

मूर्ह मंत्रालय
(आंतरिक सुरक्षा विभाग)
(पुनर्वास प्रभाग)
प्राप्ति

नई दिल्ली, 22 जनवरी, 1990

का. आ. 560.—विस्थापित व्यक्ति (प्रतिकर तथा पुनर्वास) अधिनियम, 1954 (1954 का 41) की धारा 34 की उपधारा (2) द्वारा प्रदत्त अधिकारों का प्रयोग करते हुए मैं, जी. पी. एम. माही, मध्य बंदोबस्तु अधिकारी इसके द्वारा बंदोबस्तु आयुक्त की शक्तियों का प्रयोग कर रहे श्री रमेन्द्र जाखु, संयुक्त भवित्व, पुनर्वास विभाग, हरियाणा सरकार को, उगत अधिनियम की धारा 23, 24, 28 और 35 के अधीन मुख्य बंदोबस्तु आयुक्त को प्रदत्त ऐसी शक्तियां दीप्त हैं जिनका हरियाणा राज्य में स्थित ग्रामीण और शहरी निष्कांत भूमि और संपत्तियों के संबंध में प्रयोग किया जाएगा।

2. इस अदेश में दिनांक 13-12-1989 के आदेश संख्या-1(7)/विशेष सैल/88-एस.एस.-II (ब) का अधिकरण किया जाता है।

[संख्या-1(7)/विशेष सैल/88-एस.एस. II(ब)]

MINISTRY OF HOME AFFAIRS

(Department of Internal Security)

(Rehabilitation Division)

ORDER

New Delhi, the 22nd January, 1990

S.O. 560.—In exercise of the powers conferred on me under Sub-section (2) of Section 34 of the Displaced Persons (Compensation and Rehabilitation) Act, 1954 (44 of 1954), I, G.P.S. Sahi, Chief Settlement Commissioner do hereby delegate to Shri Ramendra Jakhu, Joint Secretary in the Rehabilitation Department of the Government of Haryana, exercising the powers of Settlement Commissioner, the powers conferred on the Chief Settlement Commissioner under Sections 23, 24, 28 and 35 of the said Act in so far as such powers may be exercised in respect of rural and urban evictee lands and properties situated in Haryana State.

2. This order supersedes order No. 1(7)/Spl. Cell/88-SS. II(B), dated 13-12-1989.

[No. 1(7)/Spl Cell/88-SS.II(B)]

का. आ. 561.—विस्थापित व्यक्ति (प्रतिकर एवं पुनर्वासि) अधिनियम, 1954 (1954 का 44) की धारा 34 की उपधारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैं जी. पी. एस. साही, मुख्य बंदोबस्त आयुक्त एवं द्वारा उक्त अधिनियम के अधीन बनाए गए 87, 88, 90 (1) (ए), 90(1)(बी), 90(11), 90(12) और 101 संख्याक नियमों के अंतर्गत फरीदाबाद एन.आई.टी. की भूमि तथा संपत्तियों सहित मुग्रावजा पूल के भाग की भूमि और संपत्तियों जिनका प्रशासनिक और वित्तीय प्रबंधों के अंतर्गत हरियाणा सरकार को हस्तांतरण कर दिया गया था के निपटान से संबंधित अपनी शक्तियों बंदोबस्त आयुक्त को शक्तियों का प्रयोग कर रहे हरियाणा राज्य के पुनर्वासि विभाग के संयुक्त सचिव श्री रमेन्द्र जाखू को सौंपता हूँ।

2. इसके द्वारा दिनांक 13-12-1989 की अधिसूचना संख्या 1(7)/विशेष सैल/88-एस.एस. II(ग) का अधिक्रमण किया जाता है।

[संख्या-1 (7)/विशेष सैल/88-एस.एस. II(ग)]

S.O. 567.—In exercise of the powers conferred on me by Sub-section (2) of Section 34 of the Displaced Persons (Compensation and Rehabilitation) Act, 1954 (44 of 1954), I, G.P.S. Sahi, Chief Settlement Commissioner, hereby delegate powers under rules 87, 88, 90(1)(a), 90(1) (b), 90(11), 90(12) and 101 framed under the said Act, to Shri Ramendra Jakhu, Joint Secretary, Rehabilitation Department, Government of Haryana, exercising the powers of the Settlement Commissioner for the purpose of disposal of all lands and properties including those in Faridabad N.I.T. forming part of the compensation pool, which was transferred to the Government of Haryana, under Administrative and Financial arrangements.

2. This supersedes notification No. 1(7)/Spl. Cell/88-SS-II(C) dt 13-12-1989.

[No 1(7)/Spl. Cell/88-SS.II(C)]

का. आ. 562.—निष्कांत संपत्ति प्रबंध अधिनियम 1950 (1950 का अधिनियम संख्या-31) की धारा 55 की उप धारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैं, जी. पी. एस. साही, महा अभिरक्षक एवं द्वारा इस विभाग द्वारा अधिसूचना संख्या 1(7)/विशेष सैल/88-एस.एस.-II(घ) दिनांक 22-1-90 द्वारा नियुक्त सहायक बंदोबस्त आयुक्त को महा अभिरक्षक की निम्नलिखित शक्तियां सौंपता हूँ:

- (1) उक्त अधिनियम की धारा 24 एवं 27 के अंतर्गत अपील सुनने की शक्तियां।
- (2) अधिनियम की धारा 10(2)(O) के अंतर्गत किसी निष्कांत संपत्ति के हस्तांतरण के अनुमोदन की शक्तियां।
- (3) निष्कांत संपत्ति प्रबंध अधिनियम (केन्द्रीय) नियम, 1955 के नियम 30-ए के अंतर्गत मामलों के हस्तांतरण की शक्तियां।

2. इसके द्वारा दिनांक 13-12-89 की अधिसूचना सं. 1 (7)/विशेष सैल/88-ए.एस.-II (घ) का अधिक्रमण किया जाता है।

[संख्या-1 (7)/विशेष सैल/88-एस.एस. II(घ)]
जी. पी. एस. साही, महा अभिरक्षक

S.O. 562.—In exercise of the powers conferred on me as Custodian General by Sub-section 3 of Section 55 of the Administration of Evacuee Property Act, 1950 (31 of 1950), I, G.P.S. Sahi, hereby delegate to the Assistant Custodian General for the State of Haryana appointed vide Notification No. 1(7)/Spl Cell/88-SS. II(D), dated 22nd January, 1990, the following powers of the Custodian General:—

- (i) Powers under Sections 24 and 27 of the Act.
- (ii) Powers of approval of transfer of any evacuee property under section 10(2)(O) of the Act
- (iii) Powers of transfer of cases under Rule 30A of the Administration of Evacuee Property (Central) Rules, 1955.

2. This supersedes Notification No. 1(7)/Spl. Cell/88-SS. II(E), dated the 13-12-1989

[No. 1(7)/Spl. Cell/88-SS.II(E)]

G.P.S. SAHI, Custodian General

का. आ. 563.—विस्थापित व्यक्ति (प्रतिकर तथा पुनर्वासि) अधिनियम, 1954 (1954 का 44) की धारा 3 के द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एवं द्वारा हरियाणा सरकार, पुनर्वासि विभाग, में संयुक्त सचिव श्री रामेन्द्र जाखू को उक्त अधिनियम के द्वारा अधिवा उसके अधीन हरियाणा राज्य में उन्हें बंदोबस्त आयुक्त के रूप में सौंपे गए कार्यों का नियादान करते के उद्देश्य से दिनांक 15-12-89 (पूर्वाह्नि) से बंदोबस्त आयुक्त करती है।

2. इसके द्वारा अधिसूचना संख्या-1 (7)/विशेष सैल/88-एस.एस.-II(क) दिनांक 13-12-89 का अधिक्रमण किया जाता है।

[संख्या-1 (7)/विशेष सैल/88-एस.एस.-II(क)]

S.O. 563.—In exercise of the powers conferred by Sub-section (1) of Section 3 of the Displaced Persons (Compensation and Rehabilitation) Act, 1954 (44 of 1954), the Central Government hereby appoint Shri Ramendra Jakhu, Joint Secretary in the Rehabilitation Department of the Government of Haryana, as Settlement Commissioner in the State of Haryana for the purpose of performing the functions assigned to a Settlement Commissioner by or under the said Act with effect from 15-12-1989 (FN).

2. This Notification supersedes Notification No. 1(7)/Spl. Cell/88-SS.II(A) dated the 13-12-1989.

[No. 1(7)/Spl. Cell/88-SS.II(A)]

का. आ. 564.—निष्कांत संपत्ति प्रबंध अधिनियम, 1950 (1950 का 31) की धारा 5 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एवं द्वारा पुनर्वासि विभाग, हरियाणा सरकार में संयुक्त सचिव श्री रमेन्द्र जाखू, को दिनांक 15-12-1989 (पूर्वाह्नि) से उक्त अधिनियम के द्वारा

अथवा उसके अंतर्गत सहायक महाभिरक्षक को संपै गए कार्यों का निपादन करने के उद्देश्य से हरियाणा राज्य में निष्क्रिय संपत्ति का सहायक महाभिरक्षक नियुक्त करती है।

2. इस अधिसूचना द्वारा दिनांक 13-12-1989 की अधिसूचना सं. 1(7)/विशेष सैल/88-एस. II(घ) का अधिक्रमण किया जाता है।

[सं. 1(7)/विशेष सैल/88-एस. II(घ)]
मु. असलम, उप सचिव

S.O. 564.—In exercise of the powers conferred by Section 5 of the Administration of Evacuee Property Act, 1950 (XXXI of 1950), the Central Government hereby appoints Shri Ramendra Jakhu, Joint Secretary, Rehabilitation Department, Government of Haryana, as the Assistant Custodian General of Evacuee Property situated in the State of Haryana for the purpose of discharging the duties imposed on such Assistant Custodian General by or under the said Act with effect from 15-12-1989 (F.N.).

2. This supersedes Notification No. 1(7)/Spl. Cell/88-SS.II(D) dated 13-12-1989.

[No. 1(7)/Spl. Cell/88-SS. II(D)]
M. ASLAM, Dy. Secy.

(राजभाषा विभाग)

नई दिल्ली, 9 फरवरी, 1990

का. आ. 565.—केन्द्रीय सरकार, राजभाषा (संघ) के शासकीय प्रयोजनों के लिए प्रयोग/नियम, 1976 के नियम 10 के उपनियम (4) के अनुसरण में बायोटैक्नालॉजी विभाग को जिनके कर्मचारीवृन्द ने हिंदी का कार्यसाधक ज्ञान प्राप्त कर लिया है, अधिसूचित करती है।

[सं. 12022/83/87-रा.भा. (ख-2)]
भगवान दास पट्टैरया, उपसचिव
(कार्यान्वयन)

(Department Official Language)

New Delhi, the 9th February, 1990

S.O. 565.—In pursuance of Sub-rule (4) of rule 10 of the (Official Language Purpose of the Union) Rules, 1976, the Central Government hereby notifies the Department of Biotechnology the staff whereof have acquired the working knowledge of Hindi.

[No. 12022/83/87-CI.(B-II)]
B. D. PATERJA, Dy. Secy.

कार्मिक लोक शिकायत तथा पेशन मंत्रालय

(कार्मिक और प्रशिक्षण विभाग)

नई दिल्ली, 1 फरवरी, 1990

का. आ. 566.—केन्द्रीय सरकार, दंड प्रक्रिया संहिता, 1973 (1974 का 2) की धारा 24 की उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मुजफ्फरनगर (यू. पी.) स्थित सी.जे.एम./सेशन न्यायालय/अतिरिक्त सेशन न्यायालय में अनिल कुमार और अन्यों के विशद्द दिल्ली विशेष

पुलिस स्थापन, नियमित मासला आर.सी./5/87-एस.आई.यू.-III/एस.आई.सी.-1 के अभियोजन का तथा साथ ही अपील और पुनरीक्षण न्यायालयों में उक्त मासले से उद्भूत अन्य कार्यवाहियों का संचालन करने के प्रयोजन के लिए श्री मदन-मोहन अहलूवालिया, अधिवक्ता को विशेष लोक अभियोजक नियुक्त करती है।

[संख्या 225/30/89-ए. वी. डी. III]
जी. सीतारामन, अवर सचिव

MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES & PENSIONS

(Department of Personnel & Training)

New Delhi, the 1st February, 1990

S.O. 566.—In exercise of the powers conferred by Sub-section (8) of Section 24 of the Code of Criminal Procedure, 1973 (2 of 1974), the Central Government hereby appoints Shri Madan Mohan Ahluwalia, Advocate as Special Public Prosecutor for conducting the prosecution of the Delhi Special Police Establishment, Regular Case RC 5/87-STU-III/SIC-1 against Anil Kumar and others in the court of CJM/Session/Additional Sessions Court at Muassarnagar (U.P.) and also other proceedings arising out of the said case in the appellate and revision courts.

[No. 225/30/89-AVD.II]

G. STARAMAN, Unde. Secy.

दिल्ली भ्रष्टालय

(राजस्व विभाग)

नई दिल्ली, 18 जनवरी, 1990

(ग्रायकर.)

का. आ. 567.—ग्रायकर अधिनियम, 1961, (1961 का 43) की धारा 10 के खंड (23-ग) के उप-खंड (5) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा “क्रिस्चियन इस्टिट्यूट फॉर दि स्टडी ऑफ रिलीजन इंड सोसायटी, बंगलौर” को उक्त उपखंड के प्रयोजनार्थ कर निर्धारित वर्ष 1987-88 से 1989-90 के लिए अधिसूचित करती है।

[सं. 8549/फा. सं. 197/89/87-ग्रा. कर (नि. 1)]

दलीप सिंह, विशेष कार्य अधिकारी

MINISTRY OF FINANCE

(Department of Revenue)

New Delhi, the 18th January, 1990

(INCOME-TAX)

S.O. 567.—In exercise of the powers conferred by Sub-clause (v) of clause (23C) of section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies “Christian Institute for the Study of Religion and Society, Bangalore” for the purpose of the said sub-clause for the assessment years 1987-88 to 1989-90.

[No. 8549/F. No. 197/89/87-IT(A.1)]
DALIP SINGH, Officer on Special Duty

(समाहर्तालिय केन्द्रीय उत्पाद शुल्क एवं सीमा शुल्क)

इंदौर, 9 फरवरी, 1990

अधिसूचना सं. 30/1990

का. आ. 568.—समाहर्तालिय केन्द्रीय उत्पाद शुल्क, इंदौर के श्री ए. सेनगुप्ता, परीक्षक समूह “ख” निवर्तन आयु प्राप्त करने पर दिनांक 31/1/90 को (अपराह्न) में शासकीय सेवा से निवृत हो गए।

[प.सं. II(3) 8-गोप/89/255]

(Central Excise Collectorate)

Indore, the 9th February, 1990

NOTIFICATION NO. 30/1990

S.O. 568.—Shri A. Senguta, Examiner, Group-B of Indore Collectorate having attained the age of superannuation retired from Government Service on 31-1-90 (A.N.).

[C. No. II(3)/8-Con./89/255]

अधिसूचना सं. 29/1990

का. आ. 569.—समाहर्तालिय केन्द्रीय उत्पाद शुल्क इंदौर के सर्वश्री एच.एन. पाल एवं बी.एल. शर्मा, परीक्षक समूह “ख” निवर्तन आयु प्राप्त करने पर दिनांक 31-1-90 को (अपराह्न) में शासकीय सेवा से निवृत हो गए।

[प.सं. II(3) 8-गोप/89]

बालकृष्ण अग्रवाल, समाहर्ता

NOTIFICATION NO. 29/1990

S.O. 569.—S/Shri H. N. Pal and B. L. Sharma, Superintendent, Central Excise, Group 'B' of Indore Collectorate having attained the age of superannuation retired from Government service on 31-1-90 (AN).

[C. No. II(3)/8-Con/89]

B. K. AGARWAL, Collector

वाणिज्य मंत्रालय

नई दिल्ली, 10 मार्च, 1990

का. आ. 570.—केन्द्रीय सरकार, नियाति (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 7 की उपधारा (i) द्वारा प्रदत्त अक्षियों का प्रयोग करते हुए, मैसर्स जे. बी. बोडा, सर्वेयर्स प्रा. लि. एम. एम. विलिंग नं. 5, बालाक्षा रोड, मद्रास-600002 को यहां इससे उपाधिक अनुसूची में विनिर्दिष्ट खनिज तथा अयस्क ग्रुप-I व ग्रुप-II का नियाति से पूर्व निरीक्षण करने के लिए 18 फरवरी, 1990 से एक वर्ष की अवधि के लिए अभिकरण के रूप में मान्यता देती है कि अभिकरण खनिज तथा अयस्क ग्रुप-I व ग्रुप-II के नियाति (निरीक्षण) नियम, 1965 के नियम 4 के उपनियम (4) के अन्तर्गत इस संबंध में नियाति निरीक्षण परिषद् के किसी भी अधिकारी को निरीक्षण-प्रमाण-पत्र जारी करने के लिए

उक्त अभिकरण द्वारा अपनाई गई निरीक्षण प्रणाली की जांच करने के लिए पर्याप्त सुविधाएं देगा।

अनुसूची

1. खनिज तथा अयस्क ग्रुप-I

1. मैग्नीज डायक्साइड रहित कच्चा मग्नीज,
2. कच्चा लोहा,
3. फैरोमैग्नीज स्लेग सहित, फैरोमैग्नीज,
4. कैलशियम बोक्साइड सहित बोक्साइड।

2. खनिज तथा अयस्क ग्रुप-II

1. मैग्नीज डायक्साइड,
2. ओम अयस्क, ओम चूर्ण सहित,
3. कायानाइट,
4. सिलिमेनाइट
5. संकेन्द्रित जिक सहित कच्चा जिक
6. परिदाध और निस्तप्त मैग्नेसाइट सहित मैग्नेसाइट
7. बैराइटिस
8. लाल आक्साइड
9. पीला गैरिक
10. मेलखंडी
11. स्पतीय (फैल्झस्पार)

[फाइल सं. 5(15)/88-ई आई एण्ड ई पी]

ए. के. चौधरी, निवेशक

MINISTRY OF COMMERCE

New Delhi, the 10th March, 1990

S.O. 570.—In exercise of the powers conferred by Sub-section (i) of Section 7 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), the Central Government hereby recognises for a period of one year with effect from 18th February, 1990 M/s. J. B. Boda Surveyors Pvt. Ltd. MIL Building, No. 5 Wellahjhah Road, Madras-600002 as an agency for the inspection of Minerals & Ores (Group-I and Group-II) specified in the schedule annexed hereto prior to export subject to the condition that the said agency shall give adequate facilities to any officer nominated by the Export Inspection Council in this behalf to examine the method of inspection followed by the said agency in granting the certificate of inspection under sub-rule (4) of Rule 4 of the Export of Minerals & Ores Group-J and Group-II (Inspection) Rule, 1965.

SCHEDULE

I. Minerals & Ores (Group-I)

1. Manganese Ore, excluding manganese dioxide.
2. Iron Ore
3. Ferromanganese including ferromanganese slag.
4. Bauxite, including calcined bauxite.

II. Minerals & Ores (Group-II)

1. Manganese Dioxide.
2. Chrome Ore, including Chrome, concentrates.
3. Kyanite.

4. Sillimanite.
5. Zinc Ores, including zinc concentrates.
6. Magnesite, including dead-burnt and calcined magnesite.
7. Barytes.
8. Red oxide.
9. Yellow ochre.
10. Steatite.
11. Feldspar.

[F. No. 5(15)/88-EI&EP]
A. K. CHAUDHURI, Director

(मुख्य नियंत्रक, आयात-नियंत्रित का कार्यालय)

आदेश

नई दिल्ली, 17 जनवरी, 1990

का. आ. 571:—श्री योगेश माधुर मार्फत विक्की इम्पेक्स (प्रा.) लि., वार्ष-32, ओबला इण्डस्ट्रीयल एरिया, फेज-2, नई दिल्ली-110020 को एक कोयटा कंगेना 1986 माडल 4 डॉर, सैडार कार जिसमें एयर कंडीशनर और कैसेट लगी हुई हों, के लिए रु. 89000/- (नवासी हजार रुपये मात्र) हेतु एक सीमा-शुल्क निकासी परमिट सं. पी./जे./3078769 दिनांक 28-4-89 स्थीकृत किया गया था। आवेदक ने उपर्युक्त सीमा-शुल्क निकासी परमिट की दूसरी प्रति जारी करने के लिए इस आधार पर आवेदन किया है कि मूल सी सी पी उनसे खो गया है/गुम हो गया है। आगे यह भी कहा गया है कि मूल सी सी पी को किसी भी सीमा-शुल्क प्राधिकारी के पास पंजीकृत नहीं कराया गया था उसलिए उसका बिल्कुल भी उपयोग नहीं किया गया है।

2. अपने इस दावे के समर्थन में लाइसेंसधारक से यह अनुरोध किया गया है कि वह उपयुक्त न्यायिक प्राधिकारी के समक्ष शपथ लेते हुए एक हल्कफनामा प्रस्तुत करें। तदनुसार मैं सन्तुष्ट हूं कि 28-4-89 का मूल सी सी पी सं. पी/जे/3078769 आवेदक से खो गया है। समय-समय पर यथासंघोषित 7-12-1955 के आयात (नियंत्रण) आदेश 1955 की उपधारा 9(सी सी) के अन्तर्गत प्रदत्त शक्तियों का प्रयोग करते हुए श्री योगेश माधुर को जारी किए गए, 28-4-89 के मूल सोसीवो सं. पी./जे./3078769 को एतद्वारा रद्द किया जाता है।

3. सीमा-शुल्क निकासी परमिट की दूसरी प्रति जारी करने का मामला विचाराधीन है।

[फा.सं. ए/एम/76/88-89/बी.ए.एस]

(Office of the Chief Controller of Imports and Exports)

ORDER

New Delhi, the 17th January, 1990

S.O. 571.—Mr. Yogesh Mathur, C/o Vinky Imbex (Pvt.) Ltd., Y-32 Okhla Industrial Area, Phase II, New Delhi-110020, was granted a Customs Clearance Permit No. P/J/3078769 dated 28-4-89 for Rs. 89,000 (Eighty Nine thousand only) for One Toyota Carona 1986 Model 4 door, Sedan Car fitted with air conditioner and cassette. The

application has applied for issue of Duplicate copy of the above mentioned Customs Clearance Permit on the ground that the original CCP has been misplaced/lost. It has further been stated that the original CCP was not registered with any Customs authority and as such the value of the CCP has not been utilised at all.

2. In support of his contention, the licensee has been requested to submit an affidavit duly sworn before appropriate judicial authority. I am accordingly satisfied that the original CCP No. P/J/3078769 dated 28-4-89 has been lost by the applicant. In exercise of the powers conferred under Sub-clause 9(cc) of the Import (Control) Order, 1955, dt. 7-12-1955 as amended from time to time, the said original CCP No. P/J/3078769 dated 28-4-89 issued to Mr. Yogesh Mathur is hereby cancelled.

3. Issue of a duplicate copy of the Customs Clearance Permit is under consideration.

[F. No. A/M-76/88-89/BI.S)

आदेश

नई दिल्ली, 29 जनवरी, 1990

का.आ. 572:—श्री के.ए. सौदागर, बंगला सं. 4, वेलिनटाइट सोसायटी, नार्थ मैन रोड, कोरगांव पार्क पूना-411001 को एक जेगुतार एक्स जे बीरिंग सेल्स कार आयात करने के लिए सीमा-शुल्क निकासी परमिट सं. पी./जे/3079378, दिनांक 1-11-89 मूल्य 3,36,000/- रुपये (मात्र तीन लाख छह सौ हजार रु.) दिया गया था।

अब यह पाया गया कि श्री के.ए. सौदागर द्वारा प्रस्तुत किये गये दस्तावेज जाली हैं। समय-समय पर यथासंघोषित आयात (नियंत्रण) आदेश, 1955, दिनांक 7-12-1955 की उपधारा 9(ग) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए 3,36,000/- रुपये के लिए उक्त मूल सी.सी.पी. सं. पी/जे/3079368, दिनांक 1-11-89 को एतद्वारा रद्द किया जाना है।

[फाइल सं. ए/एस-24/89-90/बी.ए.एस]

ORDER

New Delhi, the 29th January, 1990

S.O. 572.—Mr. K. A. Saudagar, Bungalow No. 4, Valentine Society, North Main Road Koregaon Park, Pune-411001 was granted a Customs Clearance Permit No. P/J/3079378 dated 1-11-89 for Rs. 3,36,000 (Rupees Three Lakhs Thirty Six thousand only) for import of one Jaguar XJ Saloon Car.

It is now found that the documents furnished by Mr. K. A. Saudagar are forged. In exercise of the powers conferred under Sub-clause 9(cc) of the Import (Control) Order, 1955 dated 7-12-1955 as amended from time to time, the said original CCP No. P/J/3079378 dated 1-11-89 for Rs. 3,36,000 is hereby cancelled ab initio.

[F. No. A/S-24/89-90/BI.S]

आदेश

नई दिल्ली, 14 फरवरी, 1990

का.आ. 573:—मैरसन लूटरल रट्टा एमी, घोटा फरीदकोट, पंजाब को आयात-नियंत्रित नीति (1988-91)

के पैरा 183 के अन्तर्गत दो श्रीमासं का आयात वरने के लिए 6 लाख रु. (केवल ८: लाख रुपये) का आयात लाइसेंस सं. पी/पी/0349411 दिनांक 26-9-89 जारी किया गया था।

2. फर्म ने अब उपरोक्त लाइसेंस की सीमा-शुल्क प्रयोजन प्रति की अनुलिपि प्रति जारी करने के लिए इस आधार पर आवेदन किया है कि उनके लाइसेंस की मूल सीमा-शुल्क प्रयोजन प्रति खो गई है। अपने तर्क के समर्थन में उन्होंने आयात और नियर्ति प्रक्रिया पुस्तक के अध्याय दो पैरा 91 के अनुसार एक शपथ-पत्र दाखिल किया है। लाइसेंस की सीमा-शुल्क प्रति की अनुलिपि प्रति 6 लाख रु. (केवल ८: लाख रुपये) के लिए चाहिए। फर्म ने यह स्वीकार किया है तथा आवासन दिया है कि यदि लाइसेंस की मूल सीमा-शुल्क प्रयोजन प्रति बाद में मिल गई तो वे इस कार्यान्वय को वापस कर देंगे।

3. मैं इस बात से सन्तुष्ट हूं कि लाइसेंस सं. पी./पी./0349411 दिनांक 26-9-89 की मूल सीमा-शुल्क प्रयोजन प्रति खो गई है। 7-12-1955 के यथा संशोधित आयात (नियंत्रण) आदेश, 1955 की उपधारा 9(ई) के अन्तर्गत प्रदत्त शक्तियों का प्रयोग करते हुए, मैं लाइसेंस सं. पी./पी./0349411 दिनांक 26-9-89 की सीमा-शुल्क प्रयोजन प्रति को रद्द करता हूं। फर्म को लाइसेंस की रद्द की गई मूल सीमा-शुल्क प्रयोजन प्रति के स्थान पर उसकी अनुलिपि प्रति 6 लाख रु. के लिए जारी की जा रही है।

[सं. 4/7/ए.म.-90/ए.ल.एस.]

ORDER

New Delhi, the 14th February, 1990

S.O. 573.—M/s. Neutral Stud Farm, Distt. Faridkot, Punjab were granted an Import Licence No. P/P/0349411 dated 26-9-89 for Rs. 6 Lakhs (Rupees Six Lakhs only) for import of two breedmams under para 183 of Import and Exports Policy (1988—91).

2. The party has now applied for issue of a duplicate copy of the above-mentioned licence for Customs purpose only on the ground that the Customs Purpose Copy of original Licence has been lost by them. In support of their contention they have executed an affidavit as required under para 91 of Chapter-II of handbook of Import and Export Procedures 1988—91. The duplicate Customs copy of the Licence is required for Rs. 6 lakhs (Rupees Six Lakhs only). The party have agreed and undertaken to return the Customs Purpose only of the original Licence, if trace later, to this Office.

3. I am satisfied that the Customs Purpose copy of the Original Licence No. P/P/0349411 dated 26-9-89 has been lost. In exercise of the powers conferred under sub-clause 9(c) of Import Control Order, 1955 dated 7-12-55 as amended I hereby cancel the Custom Purpose Copy of the Import Licence No. P/P/0349411 dated 26-9-89. A duplicate Customs Purpose Copy of Licence is being issued to the party in lieu of the original Customs Purpose Copy cancelled hereby for the unutilised amount of Rs. 6 lakhs.

[No. 4/7/AM-90/ALS]

आदेश

नई दिल्ली, 15 फरवरी, 1990

का.आ. 574.—श्री सुदर्शन सेठ द्वारा श्री बी.के. मलिक, 2216, हरधान सिंह रोड, करोल बाग, नई दिल्ली को प्रयर कण्डीशनर सहित एक इसूजू जेमिनी 1500 सी सी डी एस एल स्टेंडर्ड कार के आयात के लिए 1,26,000 रुपये (एक लाख छव्वीस हजार रुपये केवल) का सीमा-शुल्क निकासी परमिट संख्या पी/जे/3079262, दिनांक 13-9-89 दिया गया था। आवेदक ने उपरोक्त सीमा-शुल्क निकासी परमिट की प्रतिलिपि के लिए इस आधार पर आवेदन किया है कि मूल सीमा-शुल्क निकासी परमिट खो गया है। आगे यह भी कहा गया है कि मूल सीमा-शुल्क निकासी परमिट किसी भी सीमा-शुल्क प्राधिकारी के पास पंजीकृत नहीं कराया गया था और इस प्रकार सीमा-शुल्क निकासी परमिट के मूल का बिल्कुल भी प्रयोग नहीं किया गया है।

2. इस दावे के समर्थन में लाइसेंसधारक ने यथोचित नार्यिक प्राधिकारी के समक्ष शपथ लेते हुए एक शपथ पत्र दाखिल किया है। तदनुसार, मैं इस तथ्य से सन्तुष्ट हूं कि मूल सीमा-शुल्क निकासी परमिट संख्या पी/जे/3079262 दिनांक 13-9-89 आवेदक से गुम हो गया है। समय-समय पर यथा संशोधित आयात (नियंत्रण) आदेश, 1955, दिनांक 7-12-55 के उप खण्ड 9(ग) के अन्तर्गत दी गई शक्तियों का प्रयोग करते हुए मूल सीमा-शुल्क निकासी परमिट संख्या पी/जे/3079262 दिनांक 13-9-89, जोकि श्री सुदर्शन सेठ को जारी किया गया था, को एतद्वारा रद्द किया जाता है।

3. सीमा-शुल्क निकासी परमिट की प्रतिलिपि पार्टी को अलग से जारी की जा रही है।

[का.सं. जो.ए.-21/89-90/बी.एल.एस.]

माया देवी केम, उप मुख्य नियंत्रक, आयात-नियर्ति, कुते मुख्य नियंत्रक, आयात-नियर्ति

ORDER

New Delhi, the 15th February, 1990

S.O. 574.—Mr. Sudershan Seth, C/o Shri V. K. Malik, 2216, Hardhian Singh Road, Karol Bagh New Delhi was granted a Customs Clearance Permit No. P/J/3079262 dated 13-9-1989 for Rs. 1,26,000 (Rupees One lakh and twenty six thousand only) for import of One Isuzu Gemini 1500 cc DSL Standard Car with Air conditioner. The applicant has applied for issue of Duplicate Copy of the above mentioned Customs Clearance Permit on the ground that the original CCP has been misplaced/lost. It has further been stated that the original CCP was not registered with any Customs authority and as such the value of the CCP has not been utilised at all.

2. In support of his contention, the licensee has filed an affidavit duly sworn before appropriate judicial authority. I am accordingly satisfied that the original CCP No. P/J/3079262 dated 13-9-1989 has been lost by the applicant. In exercise of the powers conferred under Sub-clause 9(cc)

of the Import (Control) Order, 1955, dated 7-12-1955 as amended from time to time, the said original CCP No. P/1/5/79262 dated 13-9-1989 issued to Mr. Sudershan Seth is hereby cancelled.

3. A duplicate copy of the Customs Clearance Permit is being issued to the party separately.

[F. No. GA-21/89-RC/BLS]

(संयक्त मन्त्र नियंत्रक, आयात-नियर्ति का कार्यलिय)

(केन्द्रीय लाइसेंसिंग थेट्र)

निरसन आदेश

नई दिल्ली, 30 नवम्बर, 1989

का.ग्रा. 575:—मैसर्स कापरी इन्टरनेशनल, प्रा.लि.,
सी-31, ओखला इण्डस्ट्रियल एरिया, फेस-1, नई दिल्ली
को यू.एस. डालर 594950/- के एफ.ओ.बी. मूल्य की
'वसूली' के निर्धारित आभार के साथ तथा आयातित माल पर
'एव्सपोर्ट मार्किंग' डालने के बाद आयातित माल को
पुनःनियर्त करने के लिए (1) 747500 सैट्स आफ
वेरियम कार्बन्ड आफ अन्डर-गारमेंट्स फार लेडीज/जेन्ट्स
गर्ल्स एण्ड वॉयस मैड आफ काटन/टैरी/टावलिंग/इनिष्ड/
मिक्स मैटिरियल एण्ड (2) 138000 पीसिस आफ वाच
स्ट्रेस मैड आफ स्टेनेम स्ट्रील फार लेडीज एण्ड जेन्ट्स
के आयात के लिए 4871036/- रु. का एक इम्प्रेस्ट लाइसेंस
सं. पी/क/0405636 दि. 22-8-83 प्रदान किया गया था।

फर्म ने सूचित किया है कि अग्रदाय लाइसेंस सं. पी/के/0405636 वि. 22-8-83 की मुद्रा विनिमय नियन्त्रण प्रति सीमा ग्रन्त बम्बई के पास पंजीकरण के बाद खो गई है अस्थानस्थ हो गई है।

फर्म ने प्रक्रिया पुस्तक 1988—91 के पैग-91 के अन्तर्गत यथा आवेदित उपरोक्त विवरण के समर्थन में एक शपथ-पत्र दर्ज किया है। मैं सत्येष्ट हूँ कि अग्रदाय लाइसेंस म. पी/के/0405636 दिनांक 22-8-83 की मुद्रा विनियम नियन्त्रण प्रति खो गई है/प्रस्थानस्थ हो गई है।

आज तक यथा संशोधित आयात (नियंत्रण) आदेश, 1955 दिनांक 7-12-55 के खण्ड 9(डी) के अन्तर्गत प्रदत्त अधिकारों का प्रयोग करत हुए मैं एन्ड्रहारा क्षेत्र इम्प्रेस्ट लाइसेंस की एक्सचेंज कन्ट्रोल कापी के नियमन का आदेश देता हूं।

प्रक्रिया पुस्तक 1988—91 के पैरा-91 के अनुसार मुद्रा विनियम नियंत्रण प्रति की अनुलिपि जारी करने के लिए आवेदक के केस पर तभी विचार किया जायेगा जब कि वे अधिकृत स्थानीय कीमतों के लिए अंकित दस्तावेज प्रत्यक्ष करेंगे।

[फा. सं.-इम्प्रेस्ट/लाई. / 15/ए एम-84/ए प्रलेप-2/सोपलए]

Office of the Joint Chief Controller of Imports & Exports
(Central Licensing Area)

"CANCELLATION ORDER"

New Delhi, the 30th November, 1989

S.O. 575.—M/s. Kapri International Pvt. Ltd., C-31, Okhla Industrial Area, Phase I, New Delhi were granted an Import Licence No. P/K/0405636 dt. 22-8-83, for Rs. 48,71,036 for import of (1) 747500 sets of various kinds of under-garments for Ladies|Gents|Girls and Boys made of Cotton/Terry/Towelling/Blended|Mixed material and (2) 138000 Pcs. of Watch Straps made of Stainless Steel for Ladies and Gents, with an obligation to re-export the imported goods after putting 'Export Markings' on the imported goods, and thereby realise an FOB value of US \$ 594950.

The firm has reported that Exchange Control Copy of Imprest Licence No. P/K/0405636 dt. 22-8-83, has been lost/misplaced after having been registered with Customs, Bombay.

The firm has filed an affidavit in support of the above statement as required under para 91 of Hand Book 1988—91 of Import-Export Procedure. I am satisfied that the Exchange Control Copy of Imprest Licence No. P|K|6405636 dt. 22-8-83, has been lost/misplaced.

In exercise of the powers conferred on me under section 9(d) of Import (Control) order, 1955, dt. 7-12-55 as amended upto date, I hereby order cancellation of the said Exchange Control Copy of Import Licence.

The applicant's case will be considered for issue of duplicate Exchange Control Copy in accordance with para 91 of Hand Book 1988-91 and subject to production of prescribed documents to the satisfaction of the undersigned.

[File No. IMIREST/LIC/15/AM 84]ALS, JI[CLAI]

निरसन आदेश

का. आ. 576-मैरी कापरी इन्टरनेशनल (प्रा.)
 लि., मी-31, ओवरा इन्डस्ट्रियल परिधा, केम-1, नई दिल्ली
 लेडीम ब्लाउस प्रम्भायडर्ट तथा लेडीम ड्रेसिंग प्रम्भायडर्ट तथा
 प्रम्भायडरी सहित लेडीस/गर्वे और स्लीव/लैंग स्लीवड
 ब्लाउस के पीसिज पुतनिर्यात के लिए यू.एस. डालर
 243899/- के एक औ. बी. मूल्य के आधार के साथ
 26627 पीर आंक लेडीश ब्लाउस प्रम्भायडर्ट (पोलियस्टर/
 ज्योजेंट) प्राप्त 7794 पीसिज और लेडीर ड्रेसिंग प्रम्भायडर्ट
 के आपात के लिए 1995000/- रु. का एक अवधार
 लाउरेंस रो. पी/एच/0404754 दिनांक 23-06-83 प्राप्त
 किया था।

फर्म ने मूलिक किया है कि अग्रदाय लाई. मं.पी/एल/
0404754 दि. 23-6-83 की मुद्रा विनियम नियन्त्रक प्रति
मीमा शुल्क समाहिता, नई दिल्ली के पास पंजीकरण के बाद
खो गई है। अस्थानान् हो चुई है।

फर्म ने प्रक्रिया पृष्ठक 1988-91 के पैरा 91 के अन्तर्गत यथा अधिकारित उल्लंघन के समर्थन में प्रक्रिया-एवं दर्ज किया है। ये सन्तुष्ट हैं कि अग्रदृश वाहनों में सं.नी/एल/0404754 दिनांक 23-06-83 (मुद्रा विभिन्न प्रयोगशाला प्रति) खोड़ा है/अस्थानमें हो गई है।

आज तक यथा संशोधित आयात (नियन्त्रण) आदेश, 1955 दिनांक 7-12-55 के खण्ड 9(बी) के अन्तर्गत प्रदत्त अधिकारों का प्रयोग करते हुए मैं एतद्वारा उक्त लाइसेंस की मुद्रा विनियम नियन्त्रण प्रति के नियन्त्रण का आदेश देता हूँ।

प्रक्रिया वृत्तक 1988-91 के पैरा 91 के अनुसार मुद्रा विनियम नियन्त्रण प्रति की अनुलिपि जारी करने के लिए आवेदन के रूप पर विचार किया जायेगा बशर्ते कि वे अधो-हस्ताक्षरी की रक्षाएँ के लिए, अपेक्षित व दस्तावेज प्रस्तुत करें।

[फा. सं. इम्प्रैस्ट/3/ए.एम-84/ए.एल.एस-2/सी.एल.ए]

एन. डी. अग्निहोत्री, उप मुख्य नियंत्रक आयात व निर्यात, द्वारा रायगढ़ मुख्य नियंत्रक, आयात व नियोत

"CANCELLATION ORDER"

S.O. 576.—M/s. Kapri International (P) Ltd., C-31, Okhla Industrial Area, Phase I, New Delhi was granted an Imprest Licence No. P/L/0404754 dated 23-6-83 for Rs. 19,95,000 for import of 26627 Pcs of Ladies Blouses embroidered (Polyester/Georgette) and 7794 Pcs. of Ladies Dresses Embroidered, with obligation for FOB value of US \$ 2,43,899 to Re-Export the pieces of Ladies Blouses embroidered and Ladies Dresses Embroidered and Ladies/Girls short sleeved/long sleeved Blouses with Embroidered Imported.

The firm has reported that Exchange Control copy of Imprest Licence No. P/L/0404754 dt. 23-6-83 has been lost/misplaced after having been registered with Collector of Customs, New Delhi.

The firm has filed as affidavit in support of above statement as required under para 91 of Hand Book 1988-91 of Import Export procedure. I am satisfied that the Imprest (S. C. Copy) Licence No. F/L/0404754 dated 23-6-83 has been lost/misplaced.

In exercise of the powers conferred on me under Section 9(d) of Import (Control) order, 1955 dated 7-12-55 as amended upto date. I hereby order cancellation of the said Imprest Licence (Exchange Control Copy).

The applicant's case will be considered for issue of duplicate Exchange Control Copy in accordance with para 91 of Hand Book 1988-91 and subject to production of prescribed documents to the satisfaction of the undersigned.

[File No. Imprest/3/AM. 84/ALS. II/CLA]

N. D. AGNIHOTRI, Dy. Chief Controller of
Imports and Export
for Jt. Chief Controller of Imports and Exports

उद्योग मंत्रालय

(अधिकारिक विभाग)

दृष्टि दिल्ली, 5 फरवरी, 1990

का. आ. 577.—यतः 43,592.10 रु. (तैतालीन हजार पाँच सौ बाँवे रुपये दस पैसे) की रकम (जिसे इसके पश्चात् उक्त रकम कहा गया है), को दोसू ग्रामदानी संघ, किंता कोश्पुट, उड़ीसा द्वारा (जिसे इसमें इसके पश्चात् उक्त आयोग कहा गया है) खादी और ग्राम उद्योग आयोग (जिसे इसमें इसके पश्चात् उक्त आयोग कहा गया है) को संदेश है;

और यतः खादी और ग्राम उद्योग आयोग नियम, 1957 (जिसे इसमें इसके पश्चात् उक्त नियम कहा गया है) के नियम 25 के उप नियम (1) के अधीन यथा अपेक्षित, उक्त आयोग ने तारीख 22 जुलाई, 1975 को संघ पर एक गुच्छना तामीर करवाई जिसमें संघ को यह निर्देश था कि यूचना प्राप्त होने की तारीख से तीस दिन के भीतर उक्त संघ उक्त आयोग को उक्त रकम का संदाय करे, जिसमें अन्तक्षर रहने पर उक्त आयोग उसे खादी और ग्राम उद्योग आयोग अधिनियम, 1956 (1956 का 61) की धारा 19ब के अधीन भूराजस्व के बाबत के तौर पर वसूल करने की कार्रवाही करेगा;

और यतः उक्त संघ ने 25,852.60 रु. की रकम का संदाय करने के दायित्व पर विवाद किया है और इस आशय का अभ्यावेदन, उपबंद अधिकारी रायगढ़ के समझ किया है (देवें उनका दिनांक 27-10-76 का पत्र) और उक्त उपबंद अधिकारी, रायगढ़ ने प्रमाणपत्रार्थी अर्थात् उक्त आयोग के दावे को नामंजूर कर दिया था; जिसे जिला मजिस्ट्रेट कोश्पुट ने अपील न्यायालय द्वारा बहाल कर दिया गया था।

और यतः राजस्व खंड आयुक्त, वरहांमपुर ने प्रमाणपत्रार्थी अर्थात् उक्त आयोग की पुनरीक्षण याचिका पर अपील न्यायालय के आदेश को अपास्त कर दिया है और प्रमाणकर्ता अधिकारी के आदेश को इस प्रभाव से उपांतरित कर दिया है कि यह प्रमाणपत्र ऋणी द्वारा चुनौती दिए गए मामले को आयोग को, अधिकरण द्वारा रकम अवधारित किए जाने के लिए विनिर्दिष्ट करे. जैसा कि खादी और ग्राम उद्योग आयोग अधिनियम की धारा 19ब की उपधारा (2) में अनुश्यात है; 1000 रुपये की राशि 25,852.60 रु. की विवादास्पद राशि के विशद समायोजित कर दी गयी थी जिसमें यहा राशि घटकर 24,852.60 रु. रह गई। अतः एक अधिकरण गठित निया जाए ताकि उक्त आयोग को 24,852.60 रुपये की उक्त राशि के भुगतान करने से उक्त संघ द्वारा इकार किए जाने के ब्रह्म पर विचार किया जा सके।

अतः ऐन्द्रीप सरकार, खादी और ग्राम उद्योग अधिनियम, 1956 (1956 का 61) की धारा 25ब के साथ पठित धारा 19ब द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, एक न्यायाधिकरण गठित करती है जिसमें श्री आर. एन. पांडी, सेवा निवृत्त जिला तथा सद न्यायाधीश, भुवनेश्वर, उड़ीसा होंगे जिसका मुख्यालय पुरी में होगा और उक्त अधिकरण को इस प्रश्न के विनिश्चय के लिए निर्दिष्ट करती है कि उक्त अधिनियम की धारा 19ब की उपधारा (1) के अर्थात् उक्त आयोग को उक्त संघ द्वारा कितनी रकम संदेश है।

[फा. सं. सी-13019(1)-(3/88)-के.बी.आई. (II)]

एम. बी. महापात्र, संयुक्त सचिव

MINISTRY OF INDUSTRY
(Department of Industrial Development)
New Delhi, the 5th February, 1990

S.O. 577.—Whereas a sum of Rs. 43,592.10 (Rupees forty three thousand five hundred ninety two and paise ten only) (hereinafter referred to as the said sum) is payable by the Kodasu Gramdani Sangh, District Koraput, Orissa (hereinafter referred to as the said Sangh) to the Khadi and Village Industries Commission (hereinafter referred to as the said Commission);

And whereas, as required under Sub-rule (1) of rule 25A of the Khadi and Village Industries Commission Rules, 1957 (hereinafter referred to as the said rules), the said Commission caused notice dated 22nd July 1975 be served on the said Sangh directing the said Sangh to pay the said sum to the said Commission within thirty days of the receipt of the said notice failing which the said Commission will proceed to recover the same as arrears of land revenue under Section 19-B of the Khadi and Village Industries Commission Act, 1956 (61 of 1956);

And whereas, the said Sangh has disputed its liability to pay the sum of Rs. 25,852.60 and has made representation to that effect (vide its letter dated 27-10-1976) before Sub-Divisional Officer Rayagada and the Sub-Divisional Officer, Rayagada had disallowed the claim of the Certificate holder i.e. the Commission, which was upheld by the appellate court of District Magistrate, Koraput.

And whereas the Revenue Divisional Commissioner, Barhampur on Revision Petition of the Certificate holder i.e. the Commission, set aside the order of the appellate court and modified the order of Certificate Officer to the effect that he should refer the matter disputed by the certificate debtor to the Commission to determine the amount through the Tribunal as envisaged in section 19-B(2) of the KVIC Act. A sum of Rs. 1000 was adjusted against the disputed sum of Rs. 25,852.60 reducing thereby the same to Rs. 24,852.60. A tribunal may therefore be constituted for determining the question as to denial liability on the part of the said Sangh to pay the said sum of Rs. 24,852.60 to the said Commission.

Now therefore, in exercise of the powers conferred by Section 19-B of the Khadi and Village Industries Commission Act, 1956 (61 of 1956) read with rule 25-B of the said rules, the Central Government hereby constitutes a Tribunal consisting of Shri R. N. Panda, Retired District & Session Judge, Bhubaneswar Orissa, with headquarter at Bhubaneswar and refers to the said Tribunal for decision as to what sum is payable by the said Sangh to the said Commission within the meaning of sub-section (i) of section 19-B of the said Act.

[File No. C-13019(1)-3/88-KVI(J)]

S. B. MOHAPATRA, Lt. Secy.

ऊर्जा मंत्रालय

(विद्युत विभाग)

नई दिल्ली, 1 फरवरी, 1990

का. आ. 578.—पंजाब पुरानी अधिनियम, 1966 (1966 की धारा 31) की धारा 79 की उपधारा (2) के खण्ड (क) द्वारा प्रदत्त शक्तियों का प्रयोग करने हुए, केन्द्र सरकार एनडीआर ब्रिगेडियर पी. के. गुप्ता, उप सहायित्रेश (संचालन-मूवर्पेट), सेना मुख्यालय, रक्षा मंत्रालय को 1 नवम्बर, 1989 के पूर्वीदृश्य में भाष्यका व्याप्र प्रबंध बोर्ड के अध्यक्ष के रूप में नियुक्त करती है।

2. ब्रिगेडियर गुप्ता इसके गान्धीनगर 1 नवम्बर, 1989 से महाप्रबंधक व्याप्र परिषद्वारा का कार्यभार भी सम्मालेंगे।

[मंस्था 1/10/88-डी (वी. एम. वी.)]

वी. पी. एम. वर्ग, उप सचिव

MINISTRY OF ENERGY

(Dept. of Power)

New Delhi, the 1st February, 1990

S.O. 578.—In exercise of the powers conferred by Clause (a) of Sub-Section (2) of Section 79 of the Punjab Reorganisation Act, 1966 (31 of 1966), the Central Government hereby appoints Brigadier P. K. Gupta, Deputy Director General (Movements), Army Headquarters, Ministry of Defence as Chairman, Bhakra Beas Management Board with effect from the forenoon of 1st November, 1989.

2. Brigadier Gupta will also concurrently hold the charge of General Manager, Beas Project with effect from 1st November, 1989.

[No. 1/10/88-D(BMB)]

P.P.S. BRAR, Dy. Secy.

पेट्रोलियम और प्राकृतिक गैस मंत्रालय

नई दिल्ली, 25 जनवरी, 1990

का. आ. 579.—प्रन: केन्द्रीय सरकार को यह प्रतीत होता है कि लोहड़हिंस में यह आवश्यक है कि गुजरात राज्य में सी टी एफ कलोल से जी जी एम XI तक पेट्रोलियम के परिवहन के लिये पाइपलाइन तैन तथा प्राकृतिक गैस आयोग द्वारा विस्तृत जानी चाहिए।

और अन: यह प्रतीत होता है कि एमी लाइनों को विद्युत के प्रयोजन के लिए एनडीआर अनुसूची में वर्णित भूमि में उपयोग का अधिकार अंजित करना आवश्यक है।

अन: अब पेट्रोलियम और यानिज पाइपलाइन (भूमि में उपयोग के अधिकार का अंजन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपरांत (1) द्वारा प्रदत्त जनियों का प्रयोग करने हुए केन्द्रीय सरकार ने उसमें उपयोग का अधिकार अंजित करने का अपना आण्य एनडीआर दीपिष किया है।

वर्णन कि उक्त भूमि में हिन्दून दोहरा कोई व्यक्ति, उस भूमि के नीचे पाइप लाइन विद्युति के लिए आक्षेप सक्षम प्राप्तिकारी, तैन तथा प्राकृतिक गैस आयोग, निर्माण और देवभाल प्रभाग, सकर्पुर गोड, बड़ीड़ा-५ को इस अधिसूचना की नागरिक से 21 दिनों के भीतर कर सकेगा।

और ऐसा आक्षेप करने वाला हर व्यक्ति विनिर्दिष्ट: यह भी कथन करेगा कि क्या यह वह चाहिए है कि उसकी सुनवाई अधिकारित स्थान में हो या किसी विधि अवधारी की साफ्टेन।

अनुसूची

कलोल जे. जी. एस. 11 तक पाइप लाइन विभाने के लिए।

राज्य : गुजरात ज़िला : मेहसाना तालुका : कलोल

गांव	ब्लॉक नं.	हेक्टेयर	आर.	सेन्टीयर
साईज	963	0	12	00
	959	0	15	80

[सं. ओ-11027/17/90-ओ एन जी-डी III]

MINISTRY OF PETROLEUM AND NATURAL GAS

New Delhi, the 25th January, 1990

S.O. 579.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum from CTF Kalol to GGS XI in Gujarat State pipeline should be laid by the Oil and Natural Gas Commission.

And, whereas, it appears that for the purpose of laying such pipeline, it is necessary to acquire that right of user in the land described in the schedule annexed hereto;

Now, therefore, in exercise of the powers conferred by sub-section (1) of the Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in the Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein:

Provided that any person interested in the said land may, within 21 days from the date of this notification, object to the laying of the pipeline under the land to the Competent Authority, Oil and Natural Gas Commission, Construction and Maintenance Division, Makarpura Road, Vadodara-390009.

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by Legal Practitioner.

SCHEDULE

Pipeline from Kalol to GGS XI

State : Gujarat District : Mehsana
Taluka : Kalol

Village	Block No.	Hec-tare	Arc	Cen-tiare
Sajj	963	0	12	00
	959	0	15	80

[No O-11027/17/90-ONG.D-III]

का. आ. 580.—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि गुजरात राज्य में डी. पी. रणासण से रामोल जी जी एस तक पेट्रोलियम के परिवहन के लिये पाइपलाइन तेल तथा प्राकृतिक गैस आयोग द्वारा विभाई जानी चाहिए।

और अतः यह प्रतीत होता है कि ऐसी लाइनों को विभाने के प्रयोजन के लिए एतदपाद्ध अनुसूची में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है।

अतः अब पेट्रोलियम और निर्जित पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) श्रधनियम, 1962, (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार ने उसमें उपयोग का अधिकार अर्जित करने का अपना आण्य एनदब्बारा घोषित किया है।

बशर्ते कि उक्त भूमि में द्वितीय कोई व्यक्ति, उस भूमि के नीचे पाइप लाइन विभाने के लिए आक्षेप सक्षम प्राधिकारी, तेल तथा प्राकृतिक गैस आयोग, निर्माण और देखभाल प्रभाग, मकरपुरा रोड, बड़ौदा-9 को इस अधिसूचना की तारीख से 21 दिनों के भीतर कर सकेगा।

और ऐसा आक्षेप करने वाला हर व्यक्ति विनिष्टतः यह भी कथन करेगा कि व्या यह वह चाहता है कि उसकी मुनावाई व्यक्तिगत रूप से हो सा किसी विधि व्यवसायी की मार्फत।

अनुसूची

टी. पी. रणासण से रामोल जी. जी. एस. तक पाइप लाइन विभाने के लिए।

राज्य : गुजरात ज़िला : अहमदाबाद तालुका : दस ओई

गांव	ब्लॉक नं.
हेन्स पुरा	2
कार्ट ट्रैक	0 07 00
128	0 10 00
129	0 11 60
124	0 07 40
कार्ट ट्रैक	0 03 36
67	0 17 40
68	0 21 00
61	0 20 60

[सं. ओ-11027/16/90-ओ एन जी. डी. III]

S.O. 580.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum from T.P. Ranasan to Ramol GGS in Gujarat State pipeline should be laid by the Oil and Natural Gas Commission.

And, whereas, it appears that for the purpose of laying such pipeline, it is necessary to acquire that right of user in the land described in the schedule annexed hereto;

Now, therefore, in exercise of the powers conferred by sub-section (1) of the Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in the Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein:

Provided that any person interested in the said land may, within 21 days from the date of this notification, object to the laying of the pipeline under the land to the Competent Authority, Oil and Natural Gas Commission, Construction and Maintenance Division, Makarpura Road, Vadodara-390009.

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by Legal Practitioner.

SCHEDULE

Pipeline from T.P. Ranasa to Ramol GGS
State : Gujarat District : Ahmedabad

Taluka : Dascroi

Village	Block No.	Hec-tare	Arc	Centi- tiaro
Hanspura	2	0	10	00
	Cart track	0	07	00
	128	0	10	00
	129	0	11	60
	124	0	07	40
	Cart track	0	03	36
	67	0	17	40
	68	0	21	00
	61	0	20	60

[No. O-11027/16/90-ONG.D.III]

का. आ. ५८१.—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि गुजरात राज्य में नवागम सीटी एफ से कोयली रीफाईनरी तक पेट्रोलियम के परिवहन के लिये पाइपलाइन तेल तथा प्राकृतिक गैस आयोग द्वारा बिछाई जानी चाहिए।

और अतः यह प्रतीत होता है कि ऐसी लाइनों को बिछाने के प्रयोजन के लिए एतदपावद्ध अनुसूची में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है।

अतः अब पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, १९६२, (१९६२ का ५०) की धारा ३ की उपधारा द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार ने उसमें उपयोग का अधिकार अर्जित करने का अपना आशय एतद्वारा घोषित किया है।

बास्ते कि उक्त भूमि में हितबद्ध कोई व्यक्ति, उस भूमि के नीचे पाइप लाइन बिछाने के लिए आक्षेप सक्षम प्राधिकारी, तेल तथा प्राकृतिक गैस आयोग, निर्माण और देखभाल प्रभाग, मकरपुरा रोड, बड़ौदा-९ को इस अधिसूचना की तारीख से २१ दिनों के भीतर कर सकेगा।

और ऐसा आक्षेप करने वाला हर व्यक्ति विनिर्दिष्टतः यह भी कथन करेगा कि क्या यह वह चाहता है कि उसकी सुनवाई व्यक्तिगत रूप से हो या किसी विधि व्यवसायी की मार्फत्।

अनुसूची

नवागम सी. टी. एफ. से कोयली रीफाईनरी तक पाइप लाइन बिछाने के लिए।

राज्य : गुजरात जिला : व तालुका : बड़ोदरा

गांव	सर्वे नं.	हेक्टेयर	आर. सेन्टीयर
नन्देस्वरी	426/1	0	71

[सं. ओ-11027/15/90-ओ एन जो डी. III]

S.O. 581.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum from Navagam CTF to Koyali Refinery in Gujarat State pipeline should be laid by the Oil and Natural Gas Commission.

And, whereas it appears that for the purpose of laying such pipeline, it is necessary to acquire that right of user in the land described in the schedule annexed hereto;

Now, therefore, in exercise of the powers conferred by sub-section (1) of the Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in the Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein:

Provided that any person interested in the said land may, within 21 days from the date of this notification, object to the laying of the pipeline under the land to the Competent Authority, Oil and Natural Gas Commission, Construction and Maintenance Division, Makarpura Road, Vadodara-390009.

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by Legal Practitioner.

SCHEDULE

Pipeline from Navagam CTF to Koyali Refinery

State : Gujarat District & Taluka : Baroda

Village	Survey No.	Hec-tare	Are	Centi- tiaro
Nandesari	426/1	0	71	00

[No. O-11027/15/90-ONG.D.III]

का. आ. ५८२.—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि गुजरात राज्य में वलोल जी. जी. एस. I से बनवा जी. जी. एस. III तक पेट्रोलियम के परिवहन के लिये पाइपलाइन तेल तथा प्राकृतिक गैस आयोग द्वारा बिछाई जानी चाहिए।

और अतः यह प्रतीत होता है कि ऐसी लाइनों को बिछाने के प्रयोजन के लिए एतदपावद्ध अनुसूची में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है।

अन् अब पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962, (1962 का 50) की धारा 3 की उपधारा द्वारा प्रदत्त ग्रंथियों का प्रयोग करने हुए केन्द्रीय सरकार ने उसमें उपयोग का अधिकार अर्जित करने का अपना आशय एतद्वारा घोषित किया है।

बाणी कि उक्त भूमि में हितवद्ध कोई व्यक्ति, उस भूमि के नीचे पाइप लाइन बिछाने के लिए आक्षेप समझम प्राधिकारी, नेल तथा प्राकृतिक गैस आयोग, निर्माण और देशभाल प्रभाग, मकरपुरा रोड, वडीदा-9 को इस अधिसूचना की तारीख में 21 दिनों के भीतर कर सकेगा।

और ऐसा आक्षेप करने वाला हर व्यक्ति विनिर्दिष्टतः यह भी करन करेगा कि क्या यह वह चाहता है कि उसकी सुनवाई व्यक्तिगत रूप में हो या किसी विधि व्यवसायी की मार्फत।

अनुसूची

बलोल जी. जी. एम. 1 में कनवा जी. जी. एम. III तक पाइप लाइन बिछाने के लिए।

राज्य—गुजरात जिला महेसाना तालुका—याणस्थमा

गांव	सर्वे नं.	हेक्टर	आरे.	सेन्टीयर
मुनथानीमा	43	0 00	45	
	42/2	0 10	80	
	42/1	0 14	10	
	40/3	0 00	21	

[सं. ओ-11027/21/90-ओ एन जी ई-III]

S.O. 582.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum from Balol GGC I to Lanva GGS III in Gujarat State pipeline should be laid by the Oil and Natural Gas Commission.

And, whereas, it appears that for the purpose of laying such pipeline, it is necessary to acquire that right of user in the land described in the schedule annexed here-to;

Now, therefore, in exercise of the powers conferred by sub-section (1) of the Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in the Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein:

Provided that any person interested in the said land may, within 21 days from the date of this notification, object to the laying of the pipeline under the land to the Competent Authority, Oil and Natural Gas Commission, Construction and Maintenance Division, Makarpura Road, Vadodara-390009.

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by Legal Practitioner.

SCHEDULE

Pipeline from Balol GGS I to Lanva GGS III

State : Gujarat Dist. : Mehsana
Taluka : Chanasma

Village	Survey No.	Hectare	Are	Centiare
Multhaniya	43	0 00	45	
	42/2	0 10	80	
	42/1	0 14	10	
	40/3	0 00	21	

[No. O-11027/21/90-ONG.D.III]

नई विन्ली, 2 फरवरी, 1990

का.आ. 583:—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि गुजरात राज्य में नवागाम मीटी एफ से कोयली रिफाईनरी तक पेट्रोलियम के परिवहन के लिये पाइपलाइन तेल तथा प्राकृतिक गैस आयोग द्वारा बिछाई जानी चाहिए।

और अतः यह प्रतीत होता है कि ऐसी लाशों को बिछाने के प्रयोजन के लिए एतदपावद्ध अनुसूची में विणत भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है।

अतः अब पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962, (1962 का 50) की धारा 3 की उपधारा द्वारा प्रदत्त ग्रंथियों का प्रयोग करके हुए केन्द्रीय सरकार ने उसमें उपयोग का अधिकार अर्जित करने का अपना आशय एतद्वारा घोषित किया है।

बाणी कि उक्त भूमि में हितवद्ध कोई व्यक्ति, उस भूमि के नीचे पाइप लाइन बिछाने के लिए आक्षेप समझम प्राधिकारी, नेल तथा प्राकृतिक गैस आयोग, निर्माण और देशभाल, प्रभाग, मकरपुरा, रोड, वडीदा-9 को इस अधिसूचना की तारीख में 21 दिनों के भीतर कर सकेगा।

और ऐसा आक्षेप करने वाला हर व्यक्ति विनिर्दिष्टतः यह भी करेगा कि क्या यह वह चाहता है कि उसकी सुनवाई व्यक्तिगत रूप में हो या किसी विधि व्यवसायी की मार्फत।

अनुसूची

नवागाम मीटी एफ. से कोयली रिफाईनरी तक पाइप लाइन बिछाने के लिए।

राज्य : गुजरात जिला : व तालुका : वरोडा

गांव	सर्वे नं.	हेक्टर	आरे.	सेन्टी-
			पर	
1	2	3	4	5
फाजलपुर	5/1/प	0	27	72
		0	12	40

1	2	3	4
5	0	12	80
543	0	05	40
6	0	12	40
1/1/P	0	13	20
1/1/P	0	30	60
15	0	08	40
33	0	10	00
31/1	0	05	80
30	0	14	80
1/P	0	15	00

[सं. ओ.-11027/14/90-ओ.एस.जी.डी.-III]

New Delhi, the 2nd February, 1990

S.O. 583.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum from Navagam CTF to Koyali Refinery in Gujarat State pipeline should be laid by the Oil and Natural Gas Commission.

And, whereas, it appears that for the purpose of laying such pipeline, it is necessary to acquire that right of user in the land described in the schedule annexed hereto;

Now, therefore, in exercise of the powers conferred by sub-section (1) of the Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in the Land) Act, 1962 (60 of 1962), the Central Government hereby declares its intention to acquire the right of user therein:

Provided that any person interested in the said land may, within 21 days from the date of this notification, object to the laying of the pipeline under the land to the Competent Authority, Oil and Natural Gas Commission, Construction and Maintenance Division, Makarpura Road, Vadodara-390009.

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by Legal Practitioner.

SCHEDULE

Pipeline from Navagam CTF to Koyali Refinery

State : Gujarat District & Taluka : Baroda

Village	Survey No.	Hec-tar	Are Centiare
Fazalpur	5/1/A	0	27 72
	Gauchar	0	12 40
5	0	12	80
543	0	05	40
6	0	12	40
1/1/P	0	13	20
1/1/P	0	30	60
15	0	08	40
33	0	10	00
31/1	0	05	80
30	0	14	80
1/P	0	15	00

[No. O-11027/14/90-ONG.D.III]

का, आ. 584.—यह पेट्रोलियम और खनिज पाठ्य-लाइन भूमि में उपयोग के अधिकार का अंतर्न अधिनियम 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना का आ० स. 2658 तारीख 21-10-89 द्वारा केन्द्रीय सरकार ने उस अधिसूचना में संलग्न अनुसूची में विनिष्ट भूमियों में उपयोग के अधिकार को पाइपलाइनों को बिछाने के लिए अर्जित करने का अपना आशय घोषित कर दिया था।

और यह सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और आगे, यह सक्षम प्राधिकारी ने उक्त रिपोर्ट पर विचार करने के पश्चात् इन अधिसूचना में संलग्न अनुसूची में विनिष्ट भूमियों में उपयोग के अधिकार अर्जित करने का विनिश्चय किया है।

अब, यह उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार प्रत्यद्वारा घोषित करती है कि इस अधिसूचना में संलग्न अनुसूची में विनिष्ट उक्त भूमियों में उपयोग का अधिकार पाइपलाइन बिछाने के लिए एनद्वारा अर्जित किया जाता है।

और आगे उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देता है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने को बजाए तेव और प्राकृतिक गैस आयोग में, सभी बाधाओं से मुक्त हृप में, घोषणा के प्रकाशन की इस तारीख को निहित होगा।

अनुसूची

एफ. डब्ल्यू. एच. पी. मे कनवा ई.पी.एस.-II तक पाइप लाईन बिछाने के लिए।

राज्य—गुजरात : जिवा—महेमाना : तालुका—चनासमा

गांव	सर्वे नं.	हे.	आर.	मंटी.
ककामन	192	00	16	56

[सं. ओ.-11027/97/89-ओ.एस.जी.डी.-III]

S.O. 584.—Whereas by notification of the Government of India in the Ministry of Petroleum and Natural Gas S.O. No. 2658 dated 21-10-89 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in lands specified in the schedule appended to that notification for the purpose of laying pipeline.

And, whereas, the Competent Authority has under sub-section (1) of the Section 6 of the said Act, submitted report to the Government;

And, further, whereas the Central Government has, after considering the said report decided to acquire the right of user in the lands in the schedule appended to this notification;

Now, therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline;

And, further, in exercise of power conferred by sub-section (4) of the section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Oil and Natural Gas Commission free from encumbrances.

SCHEDULE

Pipeline from LWHP to Lanwa EPS II

State : Gujarat District , Mehsana
Taluka : Chanasma

Village	Survey No.	Hec-tar	Acre	Centi-metre
Kekasana	192	00	16	56

[No. O-11027/97/ONG.D.III]

का.आ. 58.5.—अतः केन्द्रीय गवर्नर ने यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि गुजरात राज्य में कूप नं. 243 भे जी.गी.एस. कसाल तक पेट्रोलियम के परिवहन के लिए पाष्पलाइन तेज तथा प्राकृतिक गैस आयोग द्वारा जानी चाहिए।

आर अतः यह प्रतीत होता है कि ऐसी जाइनों को बिडाने के प्रयोजन के लिए एनडब्ल्यूआर अनुसूची में वर्णित भूमि में उपयोग का अधिकार अंजित करना आवश्यक है।

अतः अब पेट्रोलियम और खनिज पाष्पलाइन (भूमि में उपयोग के अधिकार का अंजेन) अधिनियम, 1962, (1962 वा. 50) का धारा 3 की उपवारा (1) द्वारा प्रदत्त अधिकारों द्वारा प्रयोग करने द्वारा केन्द्रीय सरकार ने उपर्योग का अधिकार अंजित करना का अनन्त आवश्यक एनडब्ल्यूआर घोषित किया है।

वर्णन के उक्त भूमि में हिन्दुड़ कोई व्यक्ति, इस भूमि के नीचे पाष्प लाइन बिडाने के लिए आवेदन माध्यम प्राप्तिकारी तेज, तथा प्राकृतिक गैस आयोग, निमणि और देखभाल प्रभाग, मरुरपुरा, गोड बडोदा-9 को उस अधिसूचना की तारीख से 21 दिनों तक जीनार कर सकेगा।

आर एसा अधिकार करने वाला इस व्यक्ति विनियोग यह भी देखने जारी कि वह आहता है कि उसको सूनवाई व्यक्तिगत रूप में हो या किसी विश्व अवसर्पी वी मार्फत।

अनुसूची

कूप नं. -243 मे जी.गी.एस. कसाल तक पाष्प लाइन बिडाने के लिए।

राज्य-गुजरात : जिला-मेहसाना : तालुका कलोल

गांव	ब्लॉक नं.	हेक्टेयर	आर.	सेन्टी-यर
1	2	3	4	5
ओला	471	0	06	00
	473	0	06	60
	कार्ट्रैक	0	01	05
	474	0	10	65

[स. ओ.-11027/23/90-आ. एन. जी.डी-III]

S.O. 585.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum from Well No. K-243 to GCS Kalol in Gujarat State pipeline should be laid by the Oil and Natural Gas Commission.

And, whereas, it appears that for the purpose of laying such pipeline, it is necessary to acquire that right of user in the land described in the schedule annexed hereto;

Now, therefore, in exercise of the powers conferred by sub-section (1) of the Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in the Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein :

Provided that any person interested in the said land may, within 21 days from the date of this notification, object to the laying of the pipeline under the land to the Competent Authority, Oil and Natural Gas Commission, Construction and Maintenance Division, Makarpura Road, Vadodara-390009.

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by Legal Practitioner.

SCHEDULE

Pipeline from Well No. K-243 to GCS Kalol

State : Gujarat Dist. : Mehsana
Taluka : Kalol

Village	Block No.	Hec-tare	Acre	Centi-metre
Ola	471	0	06	00
	473	0	06	60
	Cart track	0	01	05
	474	0	10	65

[No. O-11027/23/90-ONG.D.III]

का.आ. 586.—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि गुजरात राज्य में कूप नं. एस.के.ए.बी. से सो.टी.एफ. कड़ी तक पेट्रोलियम के परिवहन के लिये पाइपलाइन नल तथा प्राकृतिक गैस प्रयोग द्वारा विद्युत जानी चाहिए ;

और अतः यह प्रतीत होता है कि ऐसी लाइनों को विद्युत के प्रयोजन के लिए एनदपावद्ध अनुसूची में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है ;

अतः अब पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962, (1962 का 50) की धारा 3 की उपधारा द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार ने उसमें उपयोग का अधिकार अर्जित करने का अपना आशय एतद्वारा घोषित किया है ;

वशर्ते कि उक्त भूमि में हितबद्ध कोई व्यक्ति, उक्त भूमि के नीचे पाइप लाइन विद्युत के लिए आक्षेप सक्षम प्राधिकारी, तेल तथा प्राकृतिक गैस आयोग, निर्माण और देखभाल प्रभाग, मकरपुरा, रोड, बड़ौदा-9, को इस अधिसूचना की तारीख से 21 दिनों के भीतर कर सकेगा ;

और ऐसा आक्षेप करने वाला हर व्यक्ति विनिर्दिष्टः यह भी कथन करेगा कि क्या यह वह चाहता है कि उसकी सुनवाई व्यक्तिगत रूप से हो या किसी विधि व्यवसायी की मार्फत ।

अनुसूची

कूप नं. एस. के. ए. बी. से सी. टी० एफ. कड़ी तक पाइप लाइन विद्युत के लिए ।

राज्य—गुजरात जिला—महेसाना तालुका—कड़ी

गाँव	सर्वोन्त.	हेक्टेयर	आर.	सेन्टी-	यर
कड़ी	1643	0	09	75	

[स. ओ.-11027/24/90-ओ.एन.जी.डी.III]

S.O. 586.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of Petroleum from Well No. SKAB to CTF Kadi in Gujarat State pipeline should be laid by the Oil and Natural Gas Commission.

And, whereas, it appears that for the purpose of laying such pipeline, it is necessary to acquire that right of user in the land described in the schedule annexed hereto;

Now, therefore, in exercise of the powers conferred by sub-section (1) of the Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in the Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein:

Provided that any person interested in the said land may, within 21 days from the date of this notification, object to the laying of the pipeline under the land to the Competent Authority, Oil and Natural Gas Commission, Construction and Maintenance Division, Makarpura Road, Vadodara-390009.

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by Legal Practitioner.

SCHEDULE

Pipeline from well No. SKAB to CTF
Kadi

State : Gujarat Distt. : Mehsana

Taluka : Kadi

Village	Survey No.	Hec-tare	Are	Cen-tire
Kadi	1643	0	09	75

[No. O-11027/24/90-ONG.D.III]

का.आ. 587:—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि गुजरात राज्य में कूप नं. 15 से एस. आई. पी.-34 तक पेट्रोलियम के परिवहन के लिए पाइपलाइन तेल तथा प्राकृतिक गैस आयोग द्वारा विद्युत जानी चाहिए ।

और अतः यह प्रतीत होता है कि ऐसी लाइनों को विद्युत के लिए एतदपावद्ध अनुसूची में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है :

अतः अब पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार ने उसमें उपयोग का अधिकार अर्जित करने का अपना आशय एतद्वारा घोषित किया है ।

वशर्ते कि उक्त भूमि में हितबद्ध कोई व्यक्ति, उक्त भूमि के नीचे पाइप लाइन विद्युत के लिए आक्षेप सक्षम प्राधिकारी तेल तथा प्राकृतिक गैस आयोग, निर्माण और देखभाल प्रभाग, मकरपुरा, रोड, बड़ौदा-9 को इस अधिसूचना की तारीख से 21 दिनों के भीतर कर सकेगा ।

और ऐसा आक्षेप करने वाला हर व्यक्ति विनिर्दिष्टः यह भी कथन करेगा कि क्या यह वह चाहता है कि उसकी सुनवाई व्यक्तिगत रूप से हो या किसी विधि व्यवसायी की मार्फत

अनुसूची

कूप नं. 15 से एस. आई. पी. -34 तक पाइप लाइन विद्युत के लिए ।

राज्य—गुजरात जिला—महेसाना तालुका—कलोल

गाँव	सर्वोन्त.	हेक्टेयर	आर.	सेन्टी-	यर
हाजीपुर	615/1/5.	0	07	50	

[स. ओ.-11027/22/90-ओ.एन.जी.डी.-III]

S.O. 587.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum from Well No. 15 to SIP-34 in Gujarat State pipeline should be laid by the Oil and Natural Gas Commission;

And, whereas, it appears that for the purpose of laying such pipeline, it is necessary to acquire that right of user in the land described in the schedule annexed hereto;

Now, therefore, in exercise of the powers conferred by sub-section (1) of the Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in the Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein:

Provided that any person interested in the said land may, within 21 days from the date of this notification, object to the laying of the pipeline under the land to the Competent Authority, Oil and Natural Gas Commission, Construction and Maintenance Division, Makarpura Road, Vadodara-390009;

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by Legal Practitioner.

SCHEDULE

Pipeline from Well No. 15 to SIP 34

State : Gujarat Distt. : Mehsana
Taluka : Kalol

Village	Survey No.	Hec-tare	Arc-tiare	Cen-tiare
Hajipur	615/1/A	0	07	50

[No. O-11027/22/90-ONG.D.III]

का.आ. 588:—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि नोकहिं में यह आवश्यक है कि गुजरात राज्य में टी. पी. रणासन से रामोल जी.जी.एस. तक पेट्रोलियम के परिवहन के लिये पाइपलाइन तैन तथा प्राकृतिक गैस आयोग द्वारा विद्युती जानी चाहिए।

और अतः यह प्रतीत होता है कि ऐसी लाइनों को बिछाने के प्रयोजन के लिए एतद्प्रावध अनुसूची में अणित भूमि में का अधिकार अर्जित करना आवश्यक है।

अतः अब पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपचार द्वारा प्रदल शक्तियों का प्रबोग करते हुए केन्द्रीय सरकार ने उसमें उपयोग का अधिकार अर्जित करने का अपना आग्रह एतद्वारा घोषित किया है।

अगरै कि उक्त भूमि में हितवद्ध कोई व्यक्ति, उस भूमि के नीचे पाइप लाइन बिछाने के लिए आक्षेप मक्षम प्राधिकारी, तैन तथा प्राकृतिक गैस आयोग, निर्माण और देखभाल प्रभाग, मकरपुरा, रोड, बड़ौदा-9 को इस अधिसूचना की तारीख से 21 दिनों के भीतर कर सकेगा।

और ऐसा आक्षेप करने वाला तर व्यक्ति चिनिदिट्टन यह भी कथन करेगा कि क्या यह वह चाहता है कि उसकी सुनवाई व्यक्तिगत रूप से हो या किसी विधि व्यवसायी की मार्फत।

अनुसूची

टी. पी. रणासन से रामोल जी.जी.एस. तक पाइप लाइन बिछाने के लिए।

राज्य गुजरात जिला: अहमदाबाद तालुका दमनाई

गांव	मर्वें	ट्रैक्टर	आर.	मैट्टी-यर
1	2	3	4	5
मुठीया	290	0	10	60
	292	0	19	80
कार्टट्रैक	0	03	20	
17	0	33	80	
20	0	30	60	
21	0	22	40	
45	0	17	40	
44	0	01	30	
47	0	07	20	
49	0	28	40	
50	0	37	20	
75	0	38	00	
74	0	03	24	
77	0	00	30	
79	0	23	40	

[सं. ओ.-11027/20/90-ओ.ए.जी.डी.-III]

S.O. 588.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum from T.P. Ranasan to Ramol GGS in Gujarat State pipeline should be laid by the Oil and Natural Gas Commission.

And, whereas, it appears that for the purpose of laying such pipeline, it is necessary to acquire that right of user in the land described in the schedule annexed hereto;

Now, therefore, in exercise of the powers conferred by sub-section (1) of the Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in the Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein:

Provided that any person interested in the said land may, within 21 days from the date of this notification, object to the laying of the pipeline under the land to the Competent Authority, Oil and Natural Gas Commission, Construction and Maintenance Division, Makarpura Road, Vadodara-390009.

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by Legal Practitioner.

SCHEDULE

Pipeline from T.P. Ranasan to Ramol GGS
 State: Gujarat, District : Ahmedabad,
 Taluka : Dascroi

Village	Survey No.	Hec-tare	Are	Cen-tiare				
	1	2	3	4	5			
Muthiya	290	0	10	60	Ranasan			
	292	0	19	80	130	0	01	00
	Cart track	0	03	20	129	0	29	40
	17	0	33	80	125/P	0	00	88
	20	0	30	60	Cart track	0	01	80
	21	0	22	40	134	0	00	80
	45	0	17	40	125/P	0	05	40
	44	0	01	30	124	0	41	00
	47	0	07	20				
	49	0	28	40				
	50	0	37	20				
	75	0	38	00				
	74	0	03	24				
	77	0	00	30				
	79	0	23	40				

[No. O.11027/20/90-ONG.D.III]

का.आ. 589.—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि गुजरात राज्य में टी.पी. रणासन से रामोल जीजीएम तक पेट्रोलियम के परिवहन के लिये पाइप लाइन नेट तथा प्राकृतिक गैस आयोग द्वारा विभाइ जानी चाहिए।

और अतः यह प्रतीत होता है कि ऐसी लाइनों को विभाने के प्रयोजन के लिए प्रत्युपावद्ध अनुसूची में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है।

अतः अब पेट्रोलियम और खनिज पाइप लाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार ने उसमें उपयोग का अधिकार अर्जित करने का अपना आशय एनदब्ल्यूओपिट किया है।

बास्ते कि उक्त भूमि में हितवद्ध कोई व्यक्ति, उस भूमि के नीचे पाइप लाइन विभाने के लिए आक्षेप सक्षम प्राधिकारी, नेट तथा प्राकृतिक गैस आयोग, निर्माण और देवभाल प्रभाग, सकरपुरा रोड बड़ीदा-9, को इस अधिसूचना की तारीख से 21 दिनों के भीतर कर सकेगा।

और ऐसा आक्षेप करने वाला हर व्यक्ति विनिविष्टः यह भी कथन करेगा कि क्या यह वह चाहता है कि उसकी सुनवाई व्यक्तिगत रूप से हो या किसी विधि व्यवसायी की माफत।

प्रान्तसूची

टी.पी. रणासन में रामोल जी.जी.एम. तक पाइप-लाइन विभाने के लिए।

राज्य : गुजरात, जिला व तालुका : गांधीनगर

गांव	ब्लॉक नं.	हेक्टेयर	आरे.	सेन्टी-यर
रानासन	130	0	01	00
	129	0	29	40
	125/P	0	00	88
	Cart track	0	01	80
	134	0	00	80
	125/P	0	05	40
	124	0	41	00

[सं. ओ. 11027/18/90-ओ.एन.जी.डी.-III]

S.O. 589.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum from T.P. Ranasan to Ramol GGS in Gujarat State pipeline should be laid by the Oil and Natural Gas Commission.

And, whereas, it appears that for the purpose of laying such pipeline, it is necessary to acquire that right of user in the land described in the schedule annexed hereto;

Now, therefore, in exercise of the powers conferred by sub-section (1) of the Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in the Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein:

Provided that any person interested in the said land may, within 21 days from the date of this notification, object to the laying of the pipeline under the land to the Competent Authority, Oil and Natural Gas Commission, Construction and Maintenance Division, Makarpura Road, Vadodara-390009.

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by Legal Practitioner.

SCHEDULE

Pipeline from T.P. Ranasan To Ramol GGS.

State : Gujarat District & Taluka : Gandhinagar

Village	Block No.	Hec-tare	Are	Cen-tiare
Ranasan	130	0	01	00
	129	0	29	40
	125/P	0	00	88
	Cart track	0	01	80
	134	0	00	80
	125/P	0	05	40
	124	0	41	00

[No. O-11027/18/90-ONG.D.III]

का.आ. 590.—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि लोकाहित में यह आवश्यक है कि गुजरात राज्य में जी.जी.एस. XI से टेप आफ पोइंट चांदखेड़ा तक पेट्रोलियम के परिवहन के लिये पाइप लाइन तेल तथा प्राकृतिक गैस आयोग द्वारा बिछाई जानी चाहिए।

और अब: यह प्रतीत होता है कि ऐसी लाइनों को बिछाने प्रयोजन के लिए एतदपावद्ध अनुसूचि रो वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है।

अतः अब पेट्रोलियम और खनिज पाइप लाइन (भूमि में उपयोग के अधिकार का प्रर्जन) अधिनियम 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शर्कियों का प्रयोग करते हुए केन्द्रीय सरकार ने उसमें उपयोग का अधिकार अर्जित करने का अपना आयोग प्रतद्वारा घोषित किया है।

बताते कि उक्त भूमि में हितबद्ध कोई व्यक्ति, उस भूमि के नीचे पाइप लाइन बिछाने के लिए आक्षेप सक्षम प्राधिकारी, तेल तथा प्राकृतिक गैस आयोग, निर्माण और देखभाल प्रभाग, मकरपुरा रोड, बड़ौदा-९, को इस अधिसूचना की तारीख से 21 दिनों के भीतर कर सकेगा।

और ऐसा आक्षेप करने वाला हर व्यक्ति विनिर्दिष्टतः यह भी कथन करेगा कि क्या वह यह चाहता है कि उसकी सुनवाई व्यक्तिगत रूप से हो या किसी विधि व्यवसायी की मार्फत।

अनुसूचि

जी.जी.एस. XI से टेप आफ बिन्दु तक पाइप लाइन बिछाने के लिए।

राज्य: गुजरात, जिला व तालुका: गांधीनगर

गांव	ब्लाक नं.	हेक्टेयर	आरे	सेन्टी-यर	
1	2	3	4	5	:
तारापुर	117	0	07	60	
कार्ट ट्रैक	0	13	42		
118	0	06	00		
119	0	27	40		
123	0	26	80		
122	0	23	00		
124	0	18	22		
85	0	02	20		
84	0	20	40		
77	0	05	13		
80	0	10	50		
82	0	04	70		
81	0	18	00		
75	0	16	80		
76	0	10	60		
82	0	04	70		

1	2	3	4	5
81	0	18	00	
75	0	16	80	
76	0	10	60	

[सं. ओ. 11027/19/90-ओ. एन.जी.झी.-III]

के. विवेकानन्द, डेस्क अधिकारी

S.O. 590.—Whereas by notification of the Government of that it is necessary in the public interest that for the transport of petroleum from GGS XI to tape off Point Chandkheda in Gujarat State pipeline should be laid by the Oil and Natural Gas Commission.

And, whereas, it appears that for the purpose of laying such pipeline, it is necessary to acquire that right of user in the land described in the schedule annexed hereto;

Now, therefore, in exercise of the powers conferred by sub-section (1) of the Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in the Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein:

Provided that any person interested in the said land may, within 21 days from the date of this notification, object to the laying of the pipeline under the land to the Competent Authority, Oil and Natural Gas Commission, Construction and Maintenance Division, Makarpura Road, Vadodara-390009.

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by Legal Practitioner.

SCHEDULE

Pipeline from GGS XI to Tape off Point Chandkheda

State : Gujarat, District & Taluka : Gandhinagar

Village	Block No.	Hec-tare	Are	Cen-tiare
Tarapur	117	0	07	60
	Cart track	0	13	42
	118	0	06	00
	119	0	27	40
	123	0	26	80
	122	0	23	00
	124	0	18	22
	85	0	02	20
	84	0	20	40
	77	0	05	13
	80	0	10	50
	82	0	04	70
	81	0	18	00
	75	0	16	80
	76	0	10	60

[No. O-11027/19/90-ONG.D.III]

K. VIVEKANAND, Desk Officer

खाद्य एवं नागरिक पूर्ति मंत्रालय

(नागरिक पूर्ति विभाग)

भारतीय मानक ब्यूरो

नई दिल्ली, 25 जनवरी, 1990

का.आ. 591 :—भारतीय मानक ब्यूरो विनियम 1988 के विनियम 5 के उपविनियम (6) के अनुसरण में एतद्वारा अधिसूचित किया जाता है कि लाइसेंस जिनके विवरण नीचे दिए गए हैं, अनुसूची में प्रत्येक लाइसेंस के सामने दी गई तिथियों से रद्द कर दिए गए हैं :

अनुसूची

क्र. सं.	लाइसेंस संख्या	लाइसेंसधारी का नाम व पता	रद्द लाइसेंस के अन्तर्गत वस्तु/प्रत्रम सम्बद्ध भारतीय मानक सहित	रद्द करने की तारीख
1.	सीएम/एल-1902651	मै. भंडारी आसफील्ड्स लिं. बम्बई-आगरा रोड, मंगलिआगांव-453771 (इंदौर) (म.प्र.)	मिश्नित पाणी प्राहार IS : 2052-1979	1989-02-01

[सीए मटी/55 : 1902651]

MINISTRY OF FOOD AND CIVIL SUPPLIES

(Department of Civil Supplies)

BUREAU OF INDIAN STANDARDS

New Delhi, the 25th January, 1990

S. O. 591 :—In pursuance of sub-regulation (6) of regulation 5 of the Bureau of Indian Standards (Certification) Regulation 1988, the Bureau of Indian Standards hereby notifies that the licensee particulars of which is given below has been cancelled with effect from the date indicated.

SCHEDELE

Licence No.	Name and Address of the Licensee	Article/Process with relevant Indian Standard covered by the licence Cancelled	Date of Cancellation
CM/L-1902651	M/s Bhandari Crosfields Ltd., Bombay-Agra Road, Mangliagaon—453771 (Indore) (M.P.)	Compounded Feeds for Cattle— IS : 2052—1979	1989-02-01

[CMD/55 : 1902651]

का.आ. 592 :—भारतीय मानक ब्यूरो (प्रमाणन मुहर) नियम 1987 के उपनियम (ब्र) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि नीचे अनुसूची में जिन भारतीय मानकों के संशोधन दिए गए हैं, वे उक्त नियम के द्वारा प्रदत्त शक्तियों के अधीन जारी किए गए हैं :

अनुसूची

क्रम संख्या	संशोधित भारतीय मानक की संख्या	जिस राजपत्र अधिसूचना में भारतीय मानक की स्थापना की अधिसूचना छपी थी और तिथि उसकी संख्या और तिथि	संशोधन की संख्या और तिथि	संशोधन लागू होने की तिथि
(1)	(2)	(3)	(4)	(5)
1.	IS : 2261-1975	का.आ. 1596 दिनांक 1979-05-19	सं. 1 मई 1986	196-05-31

(1)	(2)	(3)	(4)	(5)
2.	IS : 2360-1977	का.आ. 618 दिनांक 1980-03-15	सं. 1 जुलाई 1987	1997-07-31
3.	IS : 2427-1968	का.आ. 3961 दिनांक 1968-11-09	सं. 2 मई 1986	1986-05-31
4.	IS : 2535-1978	का.आ. 3170 दिनांक 1980-11-15	सं. 3 मार्च 1986	1986-03-31
5.	IS : 3203-1982	का.आ. 223 दिनांक 1986-01-25	सं. 1 फरवरी 1987	1987-03-28
6.	IS : 3235-1980	का.आ. 3429 दिनांक 1984-11-03	सं. 2 जून 1987	1987-06-30
7.	IS : 3347 (भाग 1/खंड 2)-79	का.आ. 4186 दिनांक 1982-12-18	सं. 2 अप्रैल 1987	1987-04-30
8.	IS : 3347 (भाग 2/खंड 2)-79	—बही—	सं. 2 अप्रैल 1987	1987-04-30
9.	IS : 3347 (भाग 4/खंड 2)-82	का.आ. 3103 दिनांक 1986-09-13	सं. 1 जुलाई 1987	1987-07-31
10.	IS : 4270-1983	का.आ. 4149 दिनांक 1986-12-13	सं. 1 सितम्बर 1986	1986-09-30
11.	IS : 4800 (भाग 2)-1978	का.आ. 1455 दिनांक 1969-04-19	सं. 3 जुलाई 1987	1987-07-31
12.	IS : 4995 (भाग 1)-1987	—	सं. 1 जनवरी 1987	1987-01-31
13.	IS : 5116-1985	—	सं. 1 जुलाई 1987	1987-07-31
14.	IS : 6160-1971	का.आ. 7802 दिनांक 1973-09-29	सं. 3 जुलाई 1987	1987-07-31
15.	IS : 6956-1973	का.आ. 2557 दिनांक 1975-08-09	सं. 1 अक्टूबर 1987	1987-10-31
16.	IS : 7056-1973	का.आ. 2939 दिनांक 1975-09-06	सं. 3 मई 1987	1987-05-31
17.	IS : 7511 (भाग 2)-1986	—	सं. 1 सितम्बर 1987	1987-09-30
18.	IS : 7511 (भाग 4)-1986	—	सं. 1 अक्टूबर 1987	1987-10-30
19.	IS : 7458-1982	का.आ. 1400 दिनांक 1985-04-06	सं. 1 सितम्बर 1987	1987-09-30
20.	IS : 8080-1976	का.आ. 3821 दिनांक 1979-11-24	सं. 1 जुलाई 1987	1987-07-31
21.	IS : 8190 (भाग 4)-1979	का.आ. 2508 दिनांक 1982-07-17	सं. 3 सितम्बर 1987	1987-09-30

(1)	(2)	(3)	(4)	(5)
22. IS : 8622-1977	का.आ. 2793 दिनांक 1980-10-18	मं. 2 मई 1987		1987-05-31
23. IS : 8692-1978	का.आ. 3171 दिनांक 1980-11-15	सं. 1 सितम्बर 1987		1987-09-30
24. IS : 8800-1986	--	सं. 1 जुलाई 1987		1987-09-30
25. IS : 10431 (भाग 1)-1982	का.आ. 509 दिनांक 1987-02-21	सं. 1 जुलाई 1987		1987-07-31
26. IS : 10751-1983	का.आ. 4276 दिनांक 1986-12-27	मं. 1 अक्टूबर 1987		1987-10-31
27. IS : 10774-1983	का.आ. 4276 दिनांक 1986-12-27	सं. 1 अगस्त 1987		1987-08-31
28. IS : 10995-1984	का.आ. 296 दिनांक 1987-01-31	मं. 1 मई 1987		1987-05-31
29. IS : 11149-1984	का.आ. 509 दिनांक 1987-02-21	मं. 1 सितम्बर 1987		1987-09-30
30. IS : 11227-1985	का.आ. 1356 दिनांक 1987-05-30	मं. 1 अक्टूबर 1987		1987-10-31
31. IS : 11286-1985	--	मं. 1 अगस्त 1987		1987-08-31
32. IS : 11320-1985	--	सं. 1 जुलाई 1987		1987-07-31
33. IS : 11480-1985	--	सं. 1 अगस्त 1987		1987-08-30
34. IS : 11501-1986	--	मं. 1 सितम्बर 1987		1987-09-30

इन मानकों की प्रतियां भारतीय मानक व्युरो, 9, बहादुर शाह जफर मार्ग, नई दिल्ली-110002 और क्षेत्रीय कार्यालय बम्बई, कलकत्ता, चंडीगढ़ तथा मद्रास और शाखा कार्यालय अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, पटना और त्रिवेन्द्रम में विक्री के लिए उपलब्ध हैं।

[मं. सी प्रम. डी/13 : 5]

S.O. 592.—In pursuance of Sub Rule (b) of Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards, hereby notifies that amendment(s) to the Indian Standard(s) given in the schedule hereto annexed have been issued under the powers conferred by under the said rule

SCHEDULE

Sl. No. and year of the No. Indian Standard amended	No. and Date of Gazette Notification in which the establishment of the Indian Standard was notified	No. and date of the amendment	Date from which the Amendment shall have effect	
(1)	(2)	(3)	(4)	(5)
1. IS : 2261--1975	S.O. 1596 dated 1979-05-19	No. 1 May 1986		1986-05-31

(1)	(2)	(3)	(4)	(5)
2. IS : 2360—1977	S.O. 618 dated 1980-03-15	No. 1 Jul 1987	1987-07-31	
3. IS : 2427—1968	S.O. 3961 dated 1968-11-09	No. 2 May 1986	1986-05-31	
4. IS : 2535—1978	S.O. 3170 dated 1980-11-15	No. 3 Mar 1986	1986-03-31	
5. IS : 3203—1982	S.O. 223 dated 1986-01-25	No. 1 Feb 1987	1987-02-28	
6. IS : 3235—1980	S.O. 3429 dated 1984-11-03	No. 2 Jun 1987	1987-06-30	
7. IS : 3347 (Part 1/Sec 2)—1979	S.O. 4186 dated 1982-12-18	No. 2 Apr 1987	1987-04-30	
8. IS : 3347 (Part 2/Sec 2)—1979	-do-	No. 2 Apr 1987	1987-04-30	
9. IS : 3347 (Part IV/Sec 2)—1982	S.O. 3103 dated 1986-09-13	No. 1 Jul 1987	1987-07-31	
10. IS : 4270—1983	S.O. 4149 dated 1986-12-13	No. 1 Sep 1986	1986-09-30	
11. IS : 4800 (Part 2)—1978	S.O. 1455 dated 1969-04-19	No. 3 Jul 1987	1987-07-31	
12. IS : 4995 (Part 1)—1987	..	No. 1 Jan 1987	1987-01-31	
13. IS : 5116—1985	..	No. 1 Jul 1987	1987-07-31	
14. IS : 6160—1971	S.O. 2802 dated 1973-09-29	No. 3 Jul 1987	1987-07-31	
15. IS : 6956—1973	S.O. 2557 dated 1975-08-09	No. 1 Oct 1987	1987-10-31	
16. IS : 7056—1973	S.O. 2939 dated 1975-09-06	No. 3 May 1987	1987-05-31	
17. IS : 7511 (Part 2)—1986	..	No. 1 Sep 1987	1987-09-30	
18. IS : 7511 (Part 4)—1986	..	No. 1 Oct 1987	1987-10-31	
19. IS : 7458—1982	S.O. 1400 dated 1985-04-06	No. 1 Sep 1987	1987-09-30	
20. IS : 8080—1976	S.O. 3821 dated 1979-11-24	No. 1 Jul 1987	1987-07-31	
21. IS : 8190 (Part 4)—1979	S.O. 2508 dated 1982-07-17	No. 3 Sep 1987	1987-09-30	
22. IS : 8622—1977	S.O. 2793 dated 1980-10-18	No. 2 May 1987	1987-05-31	
23. IS : 8692—1978	S.O. 3171 dated 1980-11-15	No. 1 Sep 1987	1987-09-30	

(1)	(2)	(3)	(4)	(5)
24. IS : 8800—1986	S.O. 3171 dated 1980-11-15	No. 1 Jul 1987		1987-09-30
25. IS : 10431 (Part 1) -1982	S.O. 509 dated 1987-02-21	No. 1 Jul 1987		1987-07-31
26. IS : 10751—1983	S.O. 4276 dated 1986-12-27	No. 1 Oct 1987		1987-01-31
27. IS : 10774—1983	S.O. 4276 dated 1986-12-27	No. 1 Aug 1987		1987-08-31
28. IS : 10995—1984	S.O. 296 dated 1987-01-31	No. 1 May 1987		1987-05-31
29. IS : 11149 —1984	S.O. 509 dated 1987-02-21	No. 1 Sep 1987		1987-09-30
30. IS : 11227—1985	S.O. 1356 dated 1987-05-30	No. 1 Oct 1987		1987-10-31
31. IS : 11286—1985	..	No. 1 Aug 1987		1987-08-31
32. IS : 11320—1985	..	No. 1 Jul 1987		1987-07-31
33. IS : 11480—1985	..	No. 1 Aug 1987		1987-08-30
34. IS : 11501—1986	..	No. 1 Sep 1987		1987-09-30

Copies of these Indian Standards are available for sale with Bureau of Indian Standards, Manak Bhawan, 9, Bahadur Shah Zafar Marg, New Delhi-110002 and Regional Offices Bombay, Calcutta, Chandigarh, and Madras and also from its Branch Offices Ahmedabad, Bangalore, Bhopal, Bhubneshwar, Guwahati, Hyderabad, Jaipur, Kanpur, Patna and Trivandrum.

[No. CMD/13:5]

का. आ. 593 :—भारतीय मानक व्यूरो (प्रमाणन भूहर) नियम 1987 के नियम 7 उपनियम (ख) के अनुसरण में भारतीय मानक व्यूरो एतद्वारा अधिसूचित करता है कि नीचे अनुसूची में जिन भारतीय मानकों के संशोधन दिए गए हैं, वे उक्त नियम के द्वारा प्रदत्त शक्तियों के अधीन जारी किए गए हैं :

अनुसूची				
क्रम संख्या	संशोधित भारतीय मानक की संख्या	जिस ग्रजपत्र अधिसूचना में भारतीय मानक की स्थापना की अधिसूचना छपी थी उसकी संख्या और तिथि	संशोधित की संख्या और तिथि	संशोधन लागू होने की तिथि
(1)	(2)	(3)	(4)	(5)
1. IS : 33—1976	का.आ. 2505 दिनांक 1979-07-21	सं. 1 मई 1987		1987-05-31
2. IS : 35—1975	का.आ. 1597 दिनांक 1979-05-19	सं. 1 अक्टूबर 1987		1987-10-31
3. IS : 325—1987	--	सं. 3 जुलाई 1987		1987-07-31

*व्यूरो की प्रमाणन योजना के प्रयोजनहेतु यह संशोधन 1987-12-01 से प्रभावी होगा।

(1)	(2)	(3)	(4)	(5)
4. IS : 335-1983	का.आ. 1597 दिनांक 1979-05-19	सं. 2 फरवरी 1988		1988-02-28
5. IS : 365-1983	--	सं. 1 जूलाई 1987		1987-07-31
6. IS : 366-1985	--	सं. 1 अक्टूबर 1987		1987-10-31
7. IS : 722 (भाग 1)-1977	का.आ. 3171 दिनांक 1980-11-15	सं. 3 मार्च 1984		1984-03-31
8. IS : 722 (भाग 2)-1977	--	सं. 2 दिसम्बर 1983		1983-12-31
9. IS : 722 (भाग 3)-1977	--	सं. 1 नवम्बर 1984		1984-11-30
10. IS : 731-1971	का.आ. 751 दिनांक 1974-03-16	सं. 5 जूलाई 1987		1987-07-31
11. IS : 1184-1977	का.आ. 2118 दिनांक 1980-8-09	सं. 3 अक्टूबर 1987		1987-10-31
12. IS : 1328-1982	का.आ. 2118 दिनांक 1980-08-09	सं. 2 जूलाई 1987		1987-07-31
13. IS : 1391-1971	का.आ. 1853 दिनांक 1974-07-27	सं. 5 मिनम्बर 1987		1987-09-30
14. IS : 1746-1985	का.आ. 2118 दिनांक 1980-08-09	सं. 1 अक्टूबर 1987		1987-10-31
15. IS : 1914 (भाग 1 से 4)-1982	का.आ. 5668 दिनांक 1985-12-22	सं. 1 मिनम्बर 1987		1987-09-30
16. IS : 2052-1979	का.आ. 2508 दिनांक 1982-07-17	सं. 2 फरवरी 1987		1987-02-28
17. IS : 2548 (भाग 2)-1983	का.आ. 2831 दिनांक 1985-06-22	सं. 1 फरवरी 1987		1987-02-28
18. IS : 2556 (भाग 8)-1985	--	सं. 1 जूलाई 1987		1987-07-31
19. IS : 2712-1979	का.आ. 358 दिनांक 1983-01-15	सं. 2 मिनम्बर 1987		1987-09-30
20. IS : 2972 (भाग 1)-1979	--	सं. 2 मिनम्बर 1987		1987-09-30
21. IS : 2998-1982	--	सं. 3 जूलाई 1987		1987-07-31
22. IS : 3148-1983	का.आ. 3669 दिनांक 1986-10-25	सं. 2 जूलाई 1987		1987-07-31

*ब्यूरो की प्रमाणन योजना के प्रयोजन हेतु यह संशोधन 1988-07-16 से प्रभावी होगा।

**ब्यूरो की प्रमाणन योजना के प्रयोजन हेतु यह संशोधन 1988-07-01 से प्रभावी होगा।

(1)	(2)	(4)	(4)	(5)
23. IS : 3319-1985	—	सं. 1 सितम्बर 1987	1987-09-31	
24. IS : 3520-1979	का.आ. 3449 दिनांक 1982-10-02	सं. 2 अगस्त 1987	1987-08-31	
25. IS : 4151-1982	का.आ. 3451 दिनांक 1986-10-04	सं. 2 जुलाई 1987	1987-07-31	
26. IS : 4829-1983	का.आ. 3451 दिनांक 1986-10-04	सं. 2 अप्रैल 1987	1987-04-30	
27. IS : 4927-1985	—	सं. 1 जुलाई 1987	1987-07-31	
28. IS : 5175-1982	का.आ. 2786 दिनांक 1986-08-09	*सं. 2 अप्रैल 1987	1987-04-30	
29. IS : 5456-1985	—	सं. 1 मई 1987	1987-05-31	
30. IS : 5996-1984	का.आ. 701 दिनांक 1987-03-14	**सं. 1 अक्टूबर 1987	1987-10-31	
31. IS : 6623-1985	का.आ. 701 दिनांक 1987-03-14	सं. 1 अक्टूबर 1987	1987-10-31	
32. IS : 7515-1982	का.आ. 3998 दिनांक 1985-08-24	सं. 2 नवम्बर 1987	1987-11-30	
33. IS : 9128-1979	का.आ. 2508 दिनांक 1982-07-17	***सं. 1 सितम्बर 1987	1987-09-30	
34. IS : 9283-1979	का.आ. 2375 दिनांक 1982-07-03	****सं. 1 सितम्बर 1987	1987-09-30	
35. IS : 9907-1981	का.आ. 1013 दिनांक 1985-03-09	सं. 2 सितम्बर 1997	1987-09-30	
36. IS : 10204-1982	का.आ. 3992 दिनांक 1985-08-24	सं. 2 फरवरी 1987	1987-02-28	
37. IS : 10258-1982	का.आ. 5602 दिनांक 1985-12-14	सं. 1 जुलाई 1987	1987-07-31	
38. IS : 10325-1982	का.आ. 3103 दिनांक 1986-09-13	सं. 3 मई 1987	1987-05-31	
39. IS : 10557-1983	का.आ. 3328 दिनांक 1986-09-27	सं. 1 मई 1984	1984-05-31	
40. IS : 10914 (भाग 3)-1985	का.आ. 3328 दिनांक 1986-09-27	सं. 1 सितम्बर 1987	1987-09-30	

*ब्यूरो की प्रमाणन योजना हेतु यह संशोधन 1988-01-01 से प्रभावी होगा।

**ब्यूरो की प्रमाणन योजना हेतु यह संशोधन 1988-07-16 से प्रभावी होगा।

***ब्यूरो की प्रमाणन योजना के प्रयोजन हेतु यह संशोधन 1988-07-31 से प्रभावी होगा।

****ब्यूरो की प्रमाणन योजना के प्रयोजन हेतु यह संशोधन 1988-04-01 से प्रभावी होगा।

(1)	(2)	(3)	(4)	(5)
41. IS : 10922—1984	का.पा. 1403 दिनांक 1985-04-06	सं. 1 मई 1987		1987-05-31
42. IS : 11037—1984	का.पा. 455 दिनांक 1987-02-14	सं. 1 अक्टूबर 1987		1987-10-31
43. IS : 11584—1986	—	*सं. 1 सितम्बर 1987		1987-09-30

*व्यूरो की प्रमाणन योजना के प्रयोजन हेतु यह संशोधन 1988-04-01 से प्रभावी होगा।

इन मानकों की प्रतियां भारतीय मानक व्यूरो, 9, बहादुरशाह जफर मार्ग, नई दिल्ली-110002 और धेनीय कार्यालय अम्बाई, कलकत्ता, चंडीगढ़ तथा शास्त्र कार्यालय अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, पटना और किंवद्दम में बिक्री के लिए उपलब्ध हैं।

[सं. सी एम डी/1.3 : 5]

S. O. 593:—In pursuance of Sub-Rule (b) of Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards, hereby notifies that amendment(s) to the Indian Standard(s) given in the schedule hereto annexed have been issued under the powers conferred by under the said rule.

THE SCHEDULE

Sl. No. and year of the No. Indian Standard amended	No. and Date of Gazette Notification in which the establishment of the Indian Standard as notified	No. and date of the amendment	Date from which the Amendment shall have effect	
(1)	(2)	(3)	(4)	(5)
1. IS : 33—1976	S.O. 2505 dated 1979-07-21	No. 1 May 1987		1987-05-31
2. IS : 35—1975	S.O. 1597 dated 1979-05-19	No. 1 Oct 1987		1987-10-31
3. IS : 325—1987	..	*No. 3 Jul 1987		1988-07-31
4. IS : 335—1983	..	**No. 2 Feb 1988		1988-02-28
5. IS : 365—1983	..	No. 1 Jul 1987		1987-07-31
6. IS : 366—1985	..	No. 1 Oct 1988		1987-10-31
7. IS : 722 (Part I)—1977	S.O. 3171 dated 1980-11-15	No. 3 Mar 1984		1984-03-31

* For purposes of BIS Certification Scheme; this amendment shall come into force with effect from 1987-12-01.

** For the purpose of BIS Certification Scheme; this amendment shall come into force with effect from 1988-07-01.

(1)	(2)	(3)	(4)	(5)
8. IS : 722 (Part 2)—1977	-do-	No. 2 Dec 1983	1983-12-31	
9. IS : 722 (Part 3)—1977	-do-	No. 1 Nov 1984	1984-11-30	
10. IS : 731—1971	S.O. 751 dated 1974-03-16	No. 5 Jul 1987	1987-07-31	
11. IS : 1184—1977	S.O. 2119 dated 1980-08-09	*No. 3 Oct 1987	1987-01-31	
12. IS : 1328—1982	..	No. 2 Jul 1987	1987-07-31	
13. IS : 1391—1971	S.O. 1853 dated 1974-07-27	No. 5 Sep 1987	1987-09-30	
14. IS : 1746—1985	..	No. 1 Oct 1987	1987-10-30	
15. IS : 1914 (Parts I to IV)—1982	S.O. 5668 dated 1985-12-11	No. 1 Sep 1987	1987-09-30	
16. IS : 2052—1979	S.O. 2508 dated 1982-07-17	No. 2 Feb 1987	1987-02-28	
17. IS : 2548 (Part 2)—1983	S.O. 2831 dated 1985-06-22	No. 1 Feb 1987	1987-02-28	
18. IS : 2556 (Part 8)—1985	..	No. 1 Jul 1987	1987-07-31	
19. IS : 2712—1979	S.O. 358 dated 1983-01-15	No. 2 Sep 1987	1987-09-30	
20. IS : 2972 (Part 1)—1979	..	No. 2 Sep 1987	1987-09-30	
21. IS : 2998—1982	..	No. 3 Jul 1987	1987-07-31	
22. IS : 3148—1983	S.O. 3669 dated 1986-10-25	No. 2 Jul 1987	1987-07-31	
23. IS : 3319—1985	..	No. 1 Sep 1987	1987-09-30	
24. IS : 3520—1979	S.O. 3449 dated 1982-10-02	No. 2 Aug 1987	1987-08-31	
25. IS : 4151—1982	S.O. 3451 dated 1986-01-04	No. 2 Jul 1987	1987-07-31	
26. IS : 4829—1983	S.O. 3451 dated 1986-10-04	No. 2 Apr 1987	1987-04-30	
27. IS : 4947—1985	..	No. 1 Jul 1987	1987-07-31	

* For purposes of BIS Certification Scheme: this amendment shall come into force with effect from 1988-07-16.

(1)	(2)	(3)	(4)	(5)
28. IS : 5175—1982		S.O. 2786 dated 1986-08-09	*No. 2 Apr 1987	1987-04-30
29. IS : 5456—1985		..	No. 1 May 1987	1987-05-31
30. IS : 5996—1984		S.O. 701 dated 1987-03-14	**No. 1 Oct 1987	1987-10-31
31. IS : 6623—1985		..	No. 1 Oct 1987	1987-10-31
32. IS : 7515—1982		S.O. 3998 dated 1985-08-24	No. 2 Nov 1987	1987-11-30
33. IS : 9128—1979		S.O. 2508 dated 1982-07-17	***No. 1 Sep 1987	1987-09-30
34. IS : 9283—1979		S.O. 2325 dated 1982-07-03	No. 1 Sep 1987	1987-09-30
35. IS : 9907—1981		S.O. 1013 Date 1985-03-09	***No. 2 Sep 1987	1987-09-30
36. IS : 10204—1982		S.O. 3992 dated 1985-08-24	No. 2 Feb 1987	1987-02-28
37. IS : 10258—1982		S.O. 5602 dated 1985-12-14	No. 1 Jul 1987	1987-07-31
38. IS : 10325—1982		S.O. 3103 dated 1986-09-13	No. 3 May 1987	1987-05-31
39. IS : 10557—1983		S.O. 3328 dated 1986-09-27	No. 1 May 1984	1984-05-31
40. IS : 10914 (Part 3)—1985		..	No. 1 Sep 1987	1987-09-30
41. IS : 10922—1984		S.O. 1403 dated 1985-04-06	No. 1 May 1987	1987-05-31
42. IS : 11037—1984		S.O. 455 dated 1987-02-14	No. 1 Oct 1987	1987-10-31
43. IS : 11584 —1986		..	****No. 1 Sep 1987	1987-09-30

* For purposes of BIS Certification Scheme; this amendment shall come into force with effect from 1988-01-01.

** For purposes of BIS Certification Scheme; this amendment shall come into force with effect from 1988-07-16.

*** For purposes of BIS Certification Scheme this amendment shall come into force with effect from 1988-07-31.

****For purposes of BIS Certification Scheme; these amendments shall come into force with effect from 1988-04-01.

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नई दिल्ली, 29 जनवरी, 1990

का.आ. 594 :—भारतीय मानक ब्यूरो (प्रमाणन मुहर) नियम 1987 के नियम 7, उपनियम (ख) के अनुसरण में भारतीय मानक ब्यूरो एवंद्वारा प्रधिसूचित करता है कि नीचे अनुसूची में जिन भारतीय मानकों के संशोधन दिए गए हैं, वे उक्त नियम के द्वारा प्रदत्त शक्तियों के प्रधीन जारी किए गए हैं :

अनुसूची

क्रम संख्या	संशोधित भारतीय मानक की संख्या	जिस राजपत्र प्रधिसूचना में भारतीय मानक की स्थापना की प्रधिसूचना छपी थी उसकी संख्या और तिथि	संशोधन की संख्या और तिथि	संशोधन लागू होने की तिथि
(1)	(2)	(3)	(4)	(5)
1.	IS : 109-1968	का.आ. 4599 दिनांक 1968-12-28	सं. 3 जून 1988	1988-06-30
2.	IS : 562-1978	का.आ. 3416 दिनांक 1980-12-13	सं. 1 जून 1988	1988-06-30
3.	IS : 565-1984	का.आ. 297 दिनांक 1987-01-31	सं. 1 जुलाई 1988	1988-07-31
4.	IS : 722 (भाग 2)-1977	का.आ. 3171 दिनांक 1980-11-15	सं. 3 जुलाई 1988	1988-07-31
5.	IS : 1223-1982	—	सं. 2 जून 1988	1988-06-30
6.	IS : 1248 (भाग 8)-1981	—	सं. 1 सितम्बर 1986	1986-09-30
7.	IS : 1259-1984	का.आ. 701 दिनांक 1987-03-14	सं. 1 जनवरी 1988	1988-01-31
8.	IS : 1485-1976	का.आ. 3823 दिनांक 1979-11-24	सं. 1 नवम्बर 1987	1987-11-30
9.	IS : 1651-1979	का.आ. 4186 दिनांक 1982-12-18	सं. 2 दिसम्बर 1987	1987-12-31
10.	IS : 3899-1981	का.आ. 2831 दिनांक 1985-06-22	सं. 1 जून 1988	1988-06-30
11.	IS : 3901-1975	का.आ. 3494 दिनांक 1976-10-02	सं. 1 जून 1988	1988-06-30
12.	IS : 4158-1985	का.आ. —	सं. 1 अगस्त 1987	1987-08-31
13.	IS : 4270-1983	का.आ. 4149 दिनांक 1986-12-13	सं. 3 जून 1988	1988-06-30
14.	IS : 5030 (भाग 3)-1982	का.आ. 3328 दिनांक 1986-09-27	सं. 1 जुलाई 1988	1988-07-31
15.	IS : 6003-1983	—	सं. 1 जुलाई 1988	1988-07-31

(1)	(2)	(3)	(4)	(5)
16. IS : 6006-1983	का.आ. 4149 दिनांक 1986-12-13	सं. 2 जनवरी 1988		1988-01-31
17. IS : 7402-1986	—	सं. 1 जून 1988		1988-06-30
18. IS : 7866-1975	का.आ. 313 दिनांक 1979-01-27	*सं. 1 जनवरी 1987		1987-01-31
19. IS : 7866-1975	का.आ.—	*सं. 2 जून 1988		1988-06-30
20. IS : 8042-1978	का.आ. 2274 दिनांक 1981-08-22	सं. 6 मार्च 1989		1989-03-31
21. IS : 8180-1982	का.आ. 3998 दिनांक 1985-08-24	सं. 2 जुलाई 1988		1988-07-31
22. IS : 8748-1978	का.आ. 3416 दिनांक 1980-12-13	सं. 1 जून 1988		1988-06-30
23. IS : 9665-1981	का.आ. 1018 दिनांक 1985-03-09	सं. 1 जुलाई 1988		1988-07-31
24. IS : 9665-1981	—यही—	सं. 2 जुलाई 1988		1988-07-31
25. IS : 9862-1981	का.आ. 748 दिनांक 1985-02-23	सं. 1 जुलाई 1988		1988-07-31
26. IS : 11352-1985	—	सं. 2 जनवरी 1989		1989-01-31
27. IS : 11352-1985	—	सं. 3 जनवरी 1989		1989-01-31

*भा.मा. व्यूरो प्रमाणन मुहर योजना के प्रयोजन हेतु ये संशोधन
दिनांक 1988-10-16 से प्रभावी होंगे।

इन मानकों की प्रतियां बिक्री के लिए भारतीय मानक व्यूरो, मानक भवन-9, बहादुरशाह जफर मार्ग, नई दिल्ली-110002 और धोर्मीय कार्यालयों बस्टी, कलकत्ता, चंडीगढ़ और मद्रास तथा श्रहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, पटना और तिब्रेन्द्रम में उपलब्ध हैं।

[सं. सी.एम.डी/13 : 5]

New Delhi, the 29th January, 1990.

S.O.594:—In pursuance of clause (b) of Sub Rule (1) of Rule 7 of Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards, hereby notifies that amendment(s) to the Indian Standard(s) given in the schedule hereto annexed have been issued.

SCHEDULE

Sl. No.	No. and year of the Indian Standard amended	No. and date of Gazette Notification in which the establishment of the Indian Standard was notified	No. and date of the amendment	Date from which the amendment shall have effect
(1)	(2)	(3)	(4)	(5)
1.	IS : 109—1968	S.O. 4599 dated 1968-12-28	No. 3 June 1988	1988-06-30
2.	IS : 562—1978	S.O. 3416 dated 1980-12-13	No. 1 June 1988	1988-06-30
3.	IS : 565—1984	S.O. 297 dated 1987-01-31	No. 1 July 1988	1988-07-31
4.	IS : 722(Part 2)—1977	S.O. 3171 dated 1980-11-15	No. 3 July 1988	1988-07-31
5.	IS : 1223—1982	..	No. 2 June 1988	1988-06-30
6.	IS : 1248 (Part 8)—1981	..	No. 1 Sept 1986	1986-09-30
7.	IS : 1259—1984	S.O. 701 dated 1987-03-14	No. 1 June 1988	1988-01-31
8.	IS : 1485—1976	S.O. 3823 dated 1979-11-24	No. 1 Nov 1987	1987-11-30
9.	IS : 1651—1979	S.O. 4186 dated 1982-12-18	No. 2 Dec. 1987	1987-12-31
10.	IS : 3899—1981	S.O. 2831 dated 1985-06-22	No. 1 June 1988	1988-06-30
11.	IS : 3901—1975	S.O. 3494 dated 1976-10-02	No. 1 June 1988	1988-06-30
12.	IS : 4158—1985	..	No. 1 Aug. 1987	1987-08-31
13.	IS : 4270—1983	S.O. 4149 dated 1986-12-13	No. 3 June 1988	1988-06-30
14.	IS : 5030 (Part 3)—1982	S.O. 3328 dated 1986-09-27	No. 1 July 1988	1988-07-31
15.	IS : 6003—1983	..	No. 1 July 1988	1988-07-31

(1)	(2)	(3)	(4)	(5)
16. IS : 6006—1983		S.O. 4149 dated 1986-12-13	No. 2 Jan. 1988	1988-01-31
17. IS : 7402—1986	..		No. 1 June 1988	1988-06-30
18. IS : 7866—1975		S.O. 313 dated 1979-01-27	*No. 1 Jan. 1987	1987-01-31
19. IS : 7866—1975		S.O. 313 dated 1979-01-27	*No. 2 June 1988	1988-06-30
20. IS : 8042—1978		S.O. 2274 dated 1981-08-22	No. 6 March 1989	1989-03-31
21. IS : 8180—1982		S.O. 3998 dated 1985-08-24	No. 2 July 1988	1988-07-31
22. IS : 8748—1978		S.O. 3416 dated 1980-12-13	No. 1 June 1988	1988-06-30
23. IS : 9665—1981		S.O. 1018 dated 1985-03-09	No. 1 July 1981	1988-07-31
24. IS : 9665—1981	-do-		No. 2 July 1988	1988-07-31
25. IS: 9862—1981		S.O. 748 dated 1985-02-23	No. 1 July 1988	1988-07-31
26. IS : 11352—1985	..		No. 2 Jan. 1989	1989-01-31
27. IS : 11352—1985	..		No. 3 Jan. 1989	1989-01-31

*For purposes of BIS Certification Marks Scheme; these amendments shall come into force with effect from 1988-10-16.

Copies of these Indian Standards are available for sale with the Bureau of Indian Standards, Manak Bhawan, 9 Bahadur Shah Zafar Marg, New Delhi-110002 and Regional Offices at Bombay, Calcutta, Charidgaon, and Madras and also from its Branch Offices at Ahmedabad, Bangalore, Bhopal, Bhubaneshwar, Guwahati, Hyderabad, Jaipur, Kanpur, Patna and Trivandrum.

नई दिल्ली, 8 फरवरी, 1990

का.आ. 595.—भारतीय मानक व्यूगे नियम, 1987 के तियम 9 को उपनियम 9 के अनुमरण में यह अधिसूचित किया जाता है कि पहले भारत के राजपत्र के भाग 2, खंड 3, उपखंड (ii) में अधिसूचित मूहरंगकर्त शुल्क जो इस अनुसूची के स्तम्भ 2 व 3 के अन्तर्गत दिखाए विषय उत्पादों के संबंध में इसी के स्तम्भ 4, 5, 6 में बनाए गए अनुसार संशोधित किया गया है। मुहरंकर्त ग्रहण की संशोधित दरें उनमें से प्रत्येक के यामें दर्शायी गई तिथियों से लाग देगी:

अनुसूची

क्र. म.	उपाद ान	मंस्या तथा वर्ष	उकान्त	मुहरंकर्त शुल्क दर	संदर्भ भारत के राजपत्र की अधिसूचिता		भारत के गतपत्र के बारी होने की तारीख	प्रभावी होने की तारीख
					प्रति इकाई	इकाई के लिए	अधिकमित का.आ.मं.	अधिकमित संशोधित का.आ.मं.
1	2	3	4	5	6	7	8	9
1.	मुबाहू रासायनिक अभिन- शामक, द्वारा दाइप	IS : 933-1976	एक तग	0. 75	मर्मी	1592	—	1984-05-12 1989-08-01
2.	मुबाहू रासायनिक अभिन- शामक योड़ा, अम्ल टाइप	IS : 934-1976	एक तग	0. 75	मर्मी	1984-04-18	—	—वहाँ— —वहाँ—
3.	मुबाहू रासायनिक अभिन- शामक, बल टाइप (गैस दाब)	IS : 940-1976	1 तग	0. 75	मर्मी	—	—वहाँ—	1985-05-12 1989-08-01
4.	इमारती लकड़ी के बने तगों और गंदर चड़े शट्टर-दरवाजे के शटर	IS : 1003 (भाग 1) 1 वर्ग मीटर 1977	2. 00	मर्मी	—	1274	1984-04-21 1989-10-01	1984-04-12
5.	इम्प्रेन्ट के दरवाजे, खिड़कियां और संचानक	IS : 1038-1983	एक टन	10. 00	मर्मी	—	—वहाँ—	1989-08-01
6.	पाणि आहार के पूर्ण क्षमिता मिश्रण	IS : 1664-1981	एक टन	8. 00 पहचानी 55.0 4. 00 ग्रेप	—	1998 1984-05-10	1984-05-23 1989-09-01	—वहाँ—
7.	जल पूर्ति प्रयोजन हेतु बाल वाल्व (क्षेत्रिक ब्लैजर टाइप)	IS : 1703-1977	एक तग	0. 15 मर्मी	—	—	—वहाँ—	1989-11-01
8.	मुबाहू अधिनियमक, शुल्क पात्रादार (कार्टिज टाइप)	IS : 2171-1985	एक तग	0. 74 सर्जी	1592	—वहाँ—	1984-05-12 1989-08-01	1084-04-18

1	2	3	4	5	6	7	8	9	10
9.	मूलालयों हेतु सचालित पलश टकियाँ	IS : 2326-1970	एक टका	1. 00	सभी	—	1274	1984-04-21	1989-08-01
10.	चवाने वाला नामाकाू, जर्दा पत्रिका टाइप	IS : 2344-1973	एक कि.ग्रा.	0. 20	सभी	—	1984-04-12	1989-08-01	
11.	सिन्न घनत्व पालिशीन फिल्म फिल्म	IS : 2508-1984	—बही—	0. 05	सभी	—	1984-05-30	1989-12-01	
12.	खाद्य उत्पादों के लिए अनादों रण	IS : 2557-1963	एक कि.नि	70. 00	पहली 500	—	1984-08-28	1984-09-22	1989-11-01
13.	मूलालय अर्थनियामक, कार्बन डाइऑक्साइड टाइप	IS : 2778-1986	एक रुपा	50. 00	शेष	—	1984-05-30	1984-06-30	1989-11-01
14.	रवड़ के तरं वारे के नक्स के जूते	IS : 3735-1984	एक चोड़ा	0. 10	सभी	—	1984-04-18	1984-05-12	1989-08-01
15.	अग्नि शमन के लिए शुक्र पाउडर	IS : 4308-1982	एक कि.ग्रा.	0. 05	सभी	—	2236	1984-07-14	1989-09-01
16.	कैरामल (भाग 1-भादा, भाग 2 अमोनिया प्रक्रम भाग 3-अमोनियम मल्काइट प्रक्रम)	IS : 4467-1980	एक रुपा	50. 00	सभी	—	1984-04-18	1984-05-32	1989-08-01
17.	सोटर गाड़ियों के लिए यांत्रिक और द्रव चालित मुचाहय जैक	IS : 4552-1968	एक चैक	0. 75	सभी	—	1986	1984-09-22	1989-07-01
18.	धारा लेपेटने हेतु काषाय के शंकु	IS : 4888 (भाग 1 से भाग 4)-1982	1000 शंकु	1. 00 पहली 5000	2402	—	1984-08-28	1984-07-28	1989-09-01
19.	कागज के लिए सीधी पिन	IS : 5653-1970	एक किया	0. 06	सभी	—	2236	1984-07-14	1989-07-01
20.	संचकन और एकट्रजन हेतु उच्च घनत्व पालिशीन सामग्री	IS : 7328-1974	एक रुपा	6. 00	सभी	—	1984-06-18	—बही—	1989-12-01
21.	राहजोड़ियम निवेश दव्य निवेश दव्य	IS : 8268-1986	एक किया	0. 10 पहली	10000	—	1998	1984-06-23	1989-11-01
22.	एजांटेविक्टर चोकोकूम निवेश निवेश दव्य	IS : 9138-1979	—बही—	0. 10 पहली	100000	—	1984-05-30	—	1989-11-01

New Delhi, 8th February, 1990

S.O. 595.—The Bureau of Indian Standards, hereby notifies that the marking fees as notified earlier in Part-II, section 3, Sub-section (i) of the Gazette of India, shown in Col. 7 of the Schedule given hereunder in respect of the various products shown under Col. 2 and 3 of the same schedule have been revised as mentioned in Col. 4, 5 and thereof.

Schedule

Sl. No.	Product No.	IS : No. & Year	Unit	Marking Per unit Rs. P.	Fee Rate For Unit	Reference of Govt. of India, Gazette Noti- fication Partially Superseded S.O. No. and date	Date of Issue of Gazette of India	Date of Effect	
1	2	3	4	5	6	7	8	9	10
1.	Portable chemical fire extinguisher, foam type .	IS: 933-1976	1 Piece	0.75	All	1592 1984-04-18	—	1984-05-02	1989-08-01
2.	Portable chemical fire extinguisher, soda acid type	IS: 934-1976	-do-	0.75	All	—	—	-do-	-do-
3.	Portable chemical fire extinguisher, water type (gas pressure) . . .	IS: 940-1976	-do-	0.75	All	—	—	-do-	-do-
4.	Timber panelled and shutters—Door shutters .	IS: 1003 (Part I) 1977	1 sq. m.	2.00	All	—	1274 1984-04-12	1984-04-21	1989-10-01
5.	Steel doors, windows and ventilators . . .	IS: 1038-1983	One Tonne ²	10.00	All	—	-do-	-do-	1989-08-01
6.	Mineral mixtures for supplementing cattle feeds	IS : 1664-1981	-do-	8.00 First 500 4.00 Remaining	—	1998 1984-05-30	1984-06-23	1989-09-01	
7.	Ball valves (horizontal plunger type) for water supply purposes . . .	IS: 1703-1977	One Piece	0.15	All	—	-do-	-do-	1989-11-0
8.	Portable fire extinguishers, dry powder (cartridge type)	IS: 2171-1985	-do-	0.75	All	1592 1984-04-18	-do-	1984-05-12	1989-08-01
9.	Automatic flushing cistern for urinals	IS: 2326-1970	One Cistern	1.00	All	-do-	1274 1984-04-12	1984-04-21	1989-08-01

1	2	3	4	5	6	7	8	9	10
10.	Chewing tobacco ZARDA flake type	IS: 2344-1973	One Kg	0.20	All	—	1998 1984-05-30	1984-06-23	1998-03-01
11.	Low density polyethylene films	IS: 2508-1984	One Kg	0.05	All	—	2986 1984-08-28	1984-09-22	1989-12-01
12.	Annatto colour for food products	IS: 2557-1963	One KI	70.00 50.00	First 500 Remaining	—	1988 1984-09-30	1984-06-23	1989-11-01
13.	Portable fire-extinguisher carbon dioxide type	IS: 2878-1986	One Piece	0.75	All	—	1592 1984-04-18	1984-05-12	1989-08-01
14.	Cenvas shoes, rubber sole	IS: 3735-1984	One Pair	0.10	All	—	2236 1984-06-18	1984-07-14	1989-09-01
15.	Dry powder for fire fighting	IS: 4308-1982	One Kg	0.05	All	—	1592 1984-04-18	1984-05-12	1989-08-01
16.	Carmel (Part 1-Plain, Part 2-Ammonia Process Part 3-Ammonia Sulphite Process)	IS: 4467-1980	One Tonne	50.00	All	—	1998 1984-05-30	1984-06-23	1989-11-01
17.	Portable jacks for automobiles mechanical and hydraulic	IS: 4552-1968	One Jack	0.75	All	—	2986 1984-08-28	1984-09-22	1989-07-01
18.	Paper cones for winding yarn	IS: 4888 (Part I to Part IV)-1982	1000 Cones	1.00 0.50	First 0.50 remaining	—	2402 1984-06-29	1984-07-28	1989-09-01
19.	Pins, paper straight	IS: 5653-1970	One kg	0.06	All	—	2236 1984-06-18	1984-07-14	1989-07-01
20.	High density polyethylene materials for moulding and extrusion	IS: 7328-1974	One Tonne	6.00	All	—	-do-	-do-	1989-12-01
21.	Rhizobium inoculants	IS: 8268-1986	One Kg	0.10 0.05	Fist 10000 Remaining	—	1998 1984-05-30	1984-06-23	1989-11-01
22.	Azotobacter chroococcum inoculants	IS: 9138-1979	-do-	0.10 0.05	First 10000 Remaining	—			1989-11-01

[No. CMD/13:10]

का.आ. 596.—भारतीय मानक व्यूरो (प्रमाणन मुहर नियम), 1987 के नियम 7 के उपनियम (ए) के अनुभरण में भारतीय मानक व्यूरो एवं द्वारा अधिसूचित करता है कि अनुसूची में दिये गये भारतीय मानकों के विवरण उक्त नियम के अन्तर्गत प्रदत्त शक्तियों द्वारा जारी किए गए हैं:

अनुसूची

क्रम संख्या और वर्ष	राजगत्र की अधिसूचना की संख्या और तिथि जिसमें भारतीय मानकों की स्थापना अधिसूचित की गई थी	संशोधन की संख्या और तिथि	संशोधन तारीखों की तिथि	
1	2	3	4	5
1. IS : 374-1979	का.आ. 1020 दिनांक 1985-03-09	सं. 2 सितम्बर 1987	1987-09-30	
2. IS : 555-1979	का.आ. 1294 दिनांक 1985-03-30	सं. 1 नवम्बर 1987	1987-11-30	
3. IS : 1248 (भाग 8)-1984	का.आ.	सं. 1 सितम्बर 1986	1986-09-30	
4. IS : 1305-1984	का.आ. 455 दिनांक 1987-02-14	सं. 1 सितम्बर 1987	1987-09-30	
5. IS : 1610-1981	का.आ. 4412 दिनांक 1985-12-15	सं. 2 नवम्बर 1987	1987-10-30	
6. IS : 2086-1982	—	सं. 1 अक्टूबर 1987	1987-10-31	
7. IS : 2576-1975	का.आ. 2240 दिनांक 1978-08-05	सं. 7 नवम्बर 1987	1987-11-30	
8. IS : 2879-1975	का.आ. 1595 दिनांक 1979-05-19	सं. 3 सितम्बर 1984	1984-09-30	
9. IS : 3074-1979	का.आ. 3428 दिनांक 1983-09-03	सं. 3 अक्टूबर 1987	1987-10-31	
10. IS : 3589-1981	का.आ. 748 दिनांक 1985-02-23	सं. 3 अगस्त 1987	1987-08-31	
11. IS : 4098-1983	का.आ. 4277 दिनांक 1986-12-27	सं. 1 जनवरी 1987	1987-01-31	
12. IS : 4800 (भाग 4)-1968	का.आ. 1455 दिनांक 1969-04-19	सं. 3 अक्टूबर 1987	1987-10-31	
13. IS : 4800 (भाग 5)-1968	का.आ. 1455 दिनांक 1969-04-19	सं. 6 अक्टूबर 1987	1987-10-31	
14. IS : 4800 (भाग 9)-1971	का.आ. 3255 दिनांक 1973-11-24	सं. 3 अक्टूबर 1987	1987-10-31	
15. IS : 5593-1980	—	सं. 2 अक्टूबर 1987	1987-10-31	
16. IS : 7903-1984	का.आ. 455 दिनांक 1987-02-14	सं. 1 नवम्बर 1987	1987-11-30	
17. IS : 8041-1978	का.आ. 2272 दिनांक 1981-08-29	सं. 3 फरवरी 1983	1988-02-28	
18. IS : 8112-1976	का.आ. 3820 दिनांक 1979-11-24	सं. 5 दिसम्बर	1987-12-31	

*भारत व्यूरो प्रमाणन योजना के लिए यह संशोधन दिनांक 1988-09-16 से प्रभावी होगा।

1	2	3	4	5
19.	IS : 8144—1976	का.आ. 2205 दिनांक 1979-07-21	सं. 3 मई 1987	1987-05-31
20.	IS : 8701—1978	का.आ. 3170 दिनांक 1980-11-15	सं. 1 नवम्बर 1987	1987-11-30
21.	IS : 9079—1979	का.आ. 3170	*सं. 6 जनवरी 1988	1988-01-31
22.	IS : 10027—1981	का.आ. 3336 दिनांक 1985-07-20	सं. 2 अक्टूबर 1987	1987-10-31
23.	IS : 10109—1981	का.आ. 2147 दिनांक 1985-06-18	**सं. 3 जनवरी 1988	1988-01-31
24.	IS : 10672—1983	का.आ. 3974 दिनांक 1986-11-29	सं. 1 जनवरी 1988	1988-01-31
25.	IS : 10787—1984	का.आ. 135 दिनांक 1987-01-17	सं. 1 अक्टूबर 1987	1987-10-31

*भासा व्यूरो प्रमाणन योजना के लिए यह संशोधन दिनांक 1988-09-01 से प्रभावी होगा।

**भासा व्यूरो प्रमाणन योजना के लिए यह संशोधन दिनांक 1988-09-01 से प्रभावी होगा।

इन संशोधनों की प्रतियां भासा व्यूरो, मानक भवन, 9 वशुद्धग्राह जफर मार्ग, नई दिल्ली-110002 और क्षेत्रीय नायालियों वस्तर्द, कलकत्ता, चंडीगढ़ और मद्रास तथा गांधी कार्यालयों अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, नवाहाटी, हैदराबाद, जयपुर, कातपुर, पटना और विवेकनंद में उपलब्ध हैं।

[सं. सी.एम.डी/13 : 5]

प्रम. मुश्ह्मण्यन, अपर. भानिदेशक

S.O. 596: In pursuance of Sub-Rule (b) of Rule 7 of the Bureau of Indian Standards (Certification) Rules, 1987, the Bureau of Indian Standards, hereby notifies that amendments to the Indian Standard(s) given in the schedule hereto annexed have been issued under the powers conferred by under the said rule.

SCHEDULE

Sl. No. and year of the Indian Standard amended	No. and Date of Gazette Notification in which the establishment of the Indian Standard was notified	No. and date of the amendment	Date from which the Amendment shall have effect	
(1)	(2)	(3)	(4)	(5)
1. IS : 374—1979	S.O. 1920 dated 1985-03-09	No. 2 Sep 1987	1987-09-30	
2. IS : 555—1979	S.O. 1294 dated 1985-03-30	No. 1 Nov. 1987	1987-11-30	
3. IS : 1248 ; (Part-8)—1984	..	No. 1 Sep. 1986	1986-09-30	
4. IS : 1305—1984	S.O. 455 dated 1987-02-14	No. 1 Sep. 1987	1987-09-30	
5. IS : 1610—1981	S.O. 4412—dated 1985-12-15	No. 2 No. 1987	1987-11-30	
6. IS : 2086—1981	..	No. 1 Oct. 1987	1987-10-31	

(1)	(2)	(3)	(4)	(5)
7. IS : 2576—1975	S.O. 2240 dated 1978-08-05	No. 7 Nov. 1987		1987-11-30
8. IS : 2879—1975	S.O. 1595 dated 1579-05-19	No. 3 Sep. 1984		1984-09-30
9. IS : 3074—1979	S.O. 3428 dated 1983-09-3	No. 3 Oct. 1987		1987-10-31
10. IS : 3589—1981	S.O. 748 dated 1985-02-23	No. 3 Aug. 1987		1987-08-31
11. IS : 4098—1983	S.O. 4277 dated 1986-12-27	No. 1 Jan. 1987		1987-01-31
12. IS : 4800 (Part 4)—1968	S.O. 1455 dated 1969-04-19	No. 3 Oct. 1987		1987-10-31
13. IS : 4800 (Part 5)—1968	S.O. 1455 dated 1969-04-19	No. 6 Oct. 1987		1987-10-31
14. IS : 4800 (Part 9)—1971	S.O. 3255 dated 1973-11-24	No. 3 Oct. 1987		1987-10-31
15. IS : 5593—1980	..	No. 2 Oct. 1987		1987-10-31
16. IS : 7903—1984	S.O. 455 dated 1987-02-14	*No. 1 Nov. 1987		1987-11-30
17. IS : 8041—1978	S.O. 2272 dated 1981-08-29	No. 3 Feb 1988		1988-02-28
18. IS : 8112—1976	S.O. 3820 dated 1979-11-24	No. 5 Dec 1987		1987-12-31
19. IS : 8144—1976	S.O. 2505 dated 1979-07-21	No. 3 May 1987		1987-05-31
20. IS : 8701—1978	S.O. 3170 dated 1980-11-15	No. 1 Nov 1987		1987-11-30
21. IS : 9079—1979	..	*No. 6 Jan 1988		1988-01-31
22. IS : 10027—1981	S.O. 3336 dated 1985-07-20	No 2 Oct 1987		1987-01-31
23. IS : 10109—1981	S.O. 2147 dated 1985-05-11	**No. 3 Jan 1988		1988-01-31
24. IS : 10672—1983	S.O. 3974 dated 1986-11-29	No. 1 Jan 1988		1988-01-31
25. IS : 10787—1984	S.O. 135 dated 1987-01-17	No. 1 Oct 1987		1987-10-31

*For the purpose of BIS Certification Scheme this amendment shall come into force with effect from 1988-09-16.

*For purposes of BIS Certification Scheme this Amendment shall come into force with effect from 1988-09-01.

**For purposes of BIS Certification Scheme; this amendment shall come into force with effect from 1988-09-01.

Copies of these Amendments are available for sale with the Bureau of Indian Standards, Manak Bhawan, 9, Bahadur Shah Zafar Marg New Delhi-110002 and Regional Offices; Bombay, Calcutta, Chandigarh and Madras and also from its Branch Offices; Ahmedabad, Bangalore, Bhopal, Bhubaneswar, Gujrat, Hyderabad, Jaipur, Kanpur, Patna and Trivendrum.

स्वास्थ्य और परिषद कलालय मंत्रालय

नई दिल्ली, 25 जनवरी, 1990

का.ग्रा. 597.—केन्द्रीय सरकार ने भारतीय आयुर्विज्ञान परिषद अधिनियम, 1956 (1956 का 102) को उपधारा (1) के खंड (क) के अनुसरण में तथा गुजरात सरकार के पासमें में, डा. पी.एम. त्रिवेदी, अपर निदेशक, आयुर्विज्ञान शिक्षा और अनुसंधान, गुजरात को भारतीय आयुर्विज्ञान परिषद का सदस्य 16 जुलाई, 1990 तक की शब्दिक के लिए नामनिबिट किया है।

अतः अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 3 की उपधारा (1) के अनुसरण में तत्कालीन स्वास्थ्य मंत्रालय का अधिसूचना सं. का.ग्रा. 138, तारीख 9 जनवरी, 1960 का निम्नलिखित और संशोधन करती है, अर्थात्:—

उक्त अधिसूचना में, धारा 3(1)(क) के अधीन नामनिबिट शीर्षक के नीचे क्रम संख्यांक 14 और उससे संबंधित प्रविष्टि के स्थान पर निम्नलिखित क्रम संख्यांक और प्रविष्टि नई जापेगी, अर्थात्:—

“14. डा. पी.एम. त्रिवेदी, अपर निदेशक, आयुर्विज्ञान शिक्षा और अनुसंधान, (सिविल) अस्पताल, अहमदाबाद (गुजरात) ”।

[सं. वी.-11013/11/87-एम.ई. (पी.)]

MINISTRY OF HEALTH AND FAMILY WELFARE

New Delhi, the 25th January, 1990

S.O. 597.—Whereas the Central Government in pursuance of clause (a) of sub-section (1) of section 3 of the Indian Medical Council Act, 1956 (102 of 1956) and in consultation with the Government of Gujarat have nominated Dr. P. M. Trivedi, Additional Director of Medical Education and Research, Gujarat to be a member of the Medical Council of India for a period upto the 16th July, 1992;

Now, therefore, in pursuance of sub-section (1) of section 3 of the said Act, the Central Government hereby makes the following further amendment in the notification of the erstwhile Ministry of Health No. S.O. 138, dated the 9th January, 1960, namely:—

In the said notification, under the heading “Nominated under section (3) (a)”, for serial number 14 and the entry relating thereto, the following serial number and entry shall be substituted, namely:—

“14. Dr. P. M. Trivedi,
Addl. Director of Medical Education and Research,
Civil Hospital,
Ahmedabad (Gujar).”

[No. V. 11013/11/87-ME(P)]

नई दिल्ली, 31 जनवरी, 1990

का.ग्रा. 598.—भारतीय आयुर्विज्ञान परिषद अधिनियम, 1956 (1956 का 102) की धारा 3 की उपधारा (1) के खंड (ख) के अनुसरण में, मेरठ विश्वविद्यालय की भवानी डा. जे.एम. माथुर को इस अधिसूचना के

गारी करने की तारीख से भारतीय आयुर्विज्ञान परिषद का सदस्य निर्वाचित किया गया है।

अतः केन्द्रीय सरकार उक्त अधिनियम की धारा 3 की उपधारा (1) के अनुसरण में भारत सरकार के पूर्ण स्वास्थ्य मंत्रालय की अधिसूचना संख्या का.ग्रा. 138 और (मं. 5-13159 एम.आई.) तारीख 9 जनवरी, 1960 का निम्नलिखित और संशोधन करती है, अर्थात्:—

उक्त अधिसूचना में, धारा 3 की उपधारा (1) के खंड (ख) के अधीन निर्वाचित शीर्षक के नीचे क्रम संख्या क 44 और उससे संबंधित प्रविष्टि के स्थान पर निम्नलिखित क्रम संख्यांक और प्रविष्टि नई जापेगी, अर्थात्:—

“44 डा. जे. एम. माथुर, प्रधानाचार्य, एल.एल.आर.एम. मेडिकल कॉलेज मेरठ (उत्तर प्रदेश)	मेरठ विश्वविद्यालय
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[संख्या वी-11013/39/87-एम.ई. (पी.)]

New Delhi, the 31st January, 1990

S.O. 598.—Whereas in pursuance of the provision of clause (b) of sub-section (1) of section 3 of the Indian Medical Council Act, 1956 (102 of 1956) Dr. J. S. Mathur has been elected by the Court University of Meerut to be a member of the Medical Council of India with effect from the date of issue of this notification.

Now, therefore, in pursuance of sub-section (1) of section 3 of the said Act, the Central Government hereby makes the following further amendment in the notification of the Government of India in the late Ministry of Health, No. S.O. 138 (No. 5-13/59-MI), dated the 9th January, 1960, namely:—

In the said notification, under the heading “Elected under clause (b) of sub-section (1) of section 3” for serial number 44 and the entry relating thereto the following serial number and entry shall be substituted, namely:—

“44. Dr. J. S. Mathur, Principal, L.L.R.M. Medical College, Meerut (U.P.)”	Meerut University”
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[No. V. 11013/39/87-ME(P)]

नई दिल्ली, 2 फरवरी, 1990

का.ग्रा. 509.—यतः केन्द्रीय सरकार ने भारतीय आयुर्विज्ञान परिषद अधिनियम, 1956 (1956 का 102) की धारा-3 की उपधारा (1) के खंड (इ) के उपवर्धों के अनुसरण में डा. भगवान दास राठी, संसद सदस्य को 5 फरवरी, 1990 में भारतीय आयुर्विज्ञान परिषद के सदस्य के रूप में मनोनीत किया है।

अतः अब उक्त अधिनियम की धारा 3 की उपधारा (1) के उपवर्धों के अनुसरण में केन्द्रीय सरकार एन्ड्रिया सारत सरकार के भूतपूर्व स्वास्थ्य मंत्रालय की अधिसूचना सं. 5-13/59-एम.आई. (का.ग्रा. 138) दिनांक 9 जनवरी, 1960 में आगे और निम्नलिखित संशोधन करती है, अर्थात्:—

“द्वितीय अनुसंधान में “धारा-३ की उपधारा (1) के खण्ड (३) के अन्तर्गत मनोनीत” शीर्ष के अन्तर्गत वर्तमान क्रमसंख्या ४ का प्रविठि के स्थान पर निम्नलिखित प्रविठि प्रतिस्थापित को जाए, अर्थात् :—

“४. डा. भगवान दाम राठोर
मुख्य सचिव
मोहल्ला करग्या,
पी.ओ. ज्वालापुर
जिला हरिदार (उ० प्र.)”

[सं. पी. ११०१३/१/९०-एम.ई. (पी.)]

New Delhi, the 2nd February, 1990

S.O. 599.—Whereas the Central Government have in pursuance of the provisions of clause (e) of sub-section (1) of section 3 of the Indian Medical Council Act, 1956 (102 of 1956), nominated Dr. Bhagwan Das Rathore, Member of Parliament to be member of the Medical Council of India with effect from the 6th February, 1990.

Now, therefore, in pursuance of the provisions of sub-section (1) of section 3 of the said Act, the Central Government hereby makes the following further amendment in the notification of the Government of India in the late Ministry of Health, No. S.13/59-MI, (S.O. 138) dated the 9th January, 1960, namely :—

In the said notification, under the heading “Nominated under clause (e) of sub-section (1) of section 3, for the existing entry at serial No. 8 the following entry shall be substituted, namely :—

“B. Dr. Bhagwan Das Rathore,
Member of Parliament,
Mohalla Karachh, P.O. Jwalapur,
Distt. Hardwar (U.P.)”

[No. V-11013/1/90-MF(P)]

का.आ. ६००—भारतीय आयुर्विज्ञान परिषद अधिनियम, १९५६ (१९५६ का १०२) की धारा ३ की उपधारा (१) के खण्ड (ख) के उपबंध के अनुसरण में डा. सी. दाम प्रादेशिक आयुर्विज्ञान महाविद्यालय इम्फाल के प्रधानाचार्य को मणिपुर विश्वविद्यालय की सीनेट वार्ग इम अधिसूचना के जारी होने की तारीख में भारतीय आयुर्विज्ञान परिषद के मद्दम के रूप में निर्वाचित किया गया है।

अन: अब, केन्द्रीय सरकार उक्त अधिनियम की धारा ३ की उपधारा (१) के अनुसरण में भारत सरकार के भूतपूर्व म्वास्थ्य मंत्रालय की अधिसूचना संख्या का.आ. १३८ (संख्या ५-१३/५९-एम.आई.) तारीख ९ जनवरी, १९६० का निम्नलिखित और संशोधन करनी है, अर्थात् :—

उक्त अधिसूचना में धारा ३ की उपधारा (१) के खण्ड (ख) के अधीन निर्वाचित शीर्षक के नीचे अम मंड़ाक ६३ और उसके संशोधन प्रविठि के स्थान पर निम्नलिखित अम मंड़ाक और प्रविठि रखी जाएगी, अर्थात् :—

“६३. डा. सी. दाम, मणिपुर विश्वविद्यालय”
प्रधानाचार्य,
प्रादेशिक आयुर्विज्ञान महाविद्यालय,
इम्फाल, मणिपुर।

[सं. वी-११०१३/४३/८७-एम.ई. (पी.)]

S.O. 600.—Whereas in pursuance of the provision of clause (b) of sub-section (1) of section 3 of the Indian Medical Council Act, 1956 (102 of 1956) Dr. C. Das, Principal of the Regional Medical College, Imphal has been elected by the Senate of University of Manipur to be a member of the Medical Council of India with effect from the date of issue of notification.

Now, therefore, in pursuance of sub-section (1) of section 3 of the said Act, the Central Government hereby makes the following further amendment in the notification of the Government of India in the late Ministry of Health, No. S.O. 138 (No. 5-13/58-MI), dated the 9th January, 1960, namely :—

In the said notification, under the heading “Elected under clause (b) of sub-section (1) of section 3” for serial number 63 and the entry relating thereto the following serial number and entry shall be substituted, namely :—

“६३. Dr. C. Das, Manipur University
Principal, Regional Medical College,
Imphal, Manipur.”

[No. V. 11013/43/87-ME(P)]

का.आ.—६०१—भारतीय आयुर्विज्ञान परिषद अधिनियम १९५६ (१९५६ का १०२) की धारा ३ की उपधारा (१) के खण्ड (ख) के अनुसरण में डा. पी. आर. सोमवंशी को अमगवती विश्वविद्यालय के गिरेट छाग इस अधिसूचना को जारी किया जाने को तारीख से भारतीय आयुर्विज्ञान परिषद, का मद्दम निर्वाचित किया गया है।

अन: अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा ३ की उपधारा (१) के अनुसरण में तत्कालीन म्वास्थ्य मंत्रालय की अधिसूचना सं. ५-१३/५९-एम.आई., तारीख ९ जनवरी, १९६० में निम्नलिखित और संशोधन करनी है, अर्थात् :—

उक्त अधिसूचना में “धारा ३ की उपधारा (१) के खण्ड (ख) के अधीन निर्वाचित” शीर्षक के क्रम संख्या ६६ के बाद निम्नलिखित क्रम संख्या रखी जाएगी, अर्थात् :—

“६७. डा. पी. आर. सोमवंशी अमगवती विश्वविद्यालय (कमान), द्विवेजनन एम.टी. आर्किम के सामने, शिवार्जी नगर, अमगवती-४४६०३

[सं. वी-११०१३/१७/८९-एम.ई. (पी.)]

S.O. 601.—Whereas in pursuance of the provision of clause (b) of sub-section (1) of section 3 of the Indian Medical Council Act, 1956 (102 of 1956) Dr. P. R. Somvanshi has been elected by the Senate of Amravati University to be a member of the Medical Council of India with effect from the date of issue of this Notification.

Now, therefore, in pursuance of sub-section (1) of section 3 of the said Act, the Central Government hereby makes the following further amendment in the notification of the Government of India in the late Ministry of Health, No. S.O. 138 (No. 5-13/59-MI), dated the 9th January, 1960, namely :—

In the said notification, under the heading “Elected under clause (b) of sub-section (1) of section 3” after serial number 66 and the entries relating thereto the following serial number and entries shall be inserted, namely :—

“६७. Dr. P. R. Somvanshi, Amravati University
Wangram (Command),
Opp. Divnl. S.T. Office,
Shivai Nagar, Amravati.”

[No. V. 11013/17/89-ME(P)]

नई दिल्ली, 6 फरवरी, 1990

का.आ. 602.—केन्द्रीय सरकार, भारतीय आयुर्विज्ञान परिषद अधिनियम, 1956 (1956 का 102) की धारा 12 की उपधारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, भारतीय आयुर्विज्ञान परिषद ने परामर्श करने के पश्चात उक्त अधिनियम की दूसरी अनुसूची में निम्नलिखित संशोधन करती है, अर्थात् :—

उक्त अनुसूची में निम्नलिखित प्रविष्टियाँ अन्त में अंतःस्थापित की जाएंगी, अर्थात् :—

“बंगला देश
चिटगोप्य यूनिवर्सिटी

एम.बी.बी.एम.

बैचलर ऑफ मेडिसिन एंड चिट. य.

दाका यूनिवर्सिटी
राजशाही यूनिवर्सिटी

एम.बी.बी.एस.
एम.बी.बी.एम.

बैचलर ऑफ सर्जरी
—यथोक्त— दाका य.
—यथोक्त— राज. य.”

[म. बी. 11015/43/89-एम.ई. (पी)]

New Delhi, the 6th February, 1990.

S. O. 602 :—In exercise of the powers conferred by sub-section (2) of section 12 of the Indian Medical Council Act, 1956 (102 of 1956), the Central Government, after consulting the Medical Council of India, hereby makes the following further amendments in the Second Schedule of the said Act, namely :—

In the said Schedule, the following entries shall be inserted at the end, namely :—

“BANGLADESH

Chittagong University	M.B.B.S.	Bachelor of Medicine and Bachelor of Surgery	Chit. U.
Dhaka University	M.B.B.S.	Bachelor of Medicine and Bachelor of Surgery	Dhaka U.
Rajshahi University	M.B.B.S.	Bachelor of Medicine and Bachelor of Surgery.	Raj. U.

[No. V.11015/43/89-ME(P)]

नई दिल्ली, 7 फरवरी, 1990

का.आ. 603.—केन्द्रीय सरकार, भारतीय आयुर्विज्ञान परिषद, अधिनियम, 1956 (1956 का 102) की धारा II की उपधारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, भारतीय आयुर्विज्ञान परिषद ने परामर्श करने के लिए पश्चात् उक्त अधिनियम को पहली अनुसूची का निम्नलिखित और संशोधन करती है, अर्थात् :—

उक्त अनुसूची, में, “लखनऊ विश्वविद्यालय” के मामने विद्यमान प्रविष्टियों के पश्चात् निम्नलिखित प्रविष्टियाँ कमशः दूसरे और तीसरे स्तंभ में अंतःस्थापित की जाएंगी, अर्थात् :—

“डॉक्टर ऑफ मेडिसिन (प्रसूति रोग विज्ञान और स्त्री रोग विज्ञान)

(एम. बी. (प्र. रो.वि. और स्त्री रो.वि.)

[संख्या बी-11015/55/88-एम.ई.(पी)]

भार. श्रीनिवासन, अवर सचिव

New Delhi, the 7th February, 1990

S.O. 603.—In exercise of the powers conferred by sub-section (2) of section 11 of the Indian Medical Council Act, 1956 (102 of 1956), the Central Government, after consulting the Medical Council of India, hereby makes the following further amendments in the First Schedule to the said Act, namely :—

In the said schedule, against the “Lucknow University” after the existing entries, the following entries shall be inserted in the second and third columns respectively, namely:—

“Doctor of Medicine (Obstetrics and Gynaecology)

M.D. (Obst. & Gynaec.)”

[No. V. 11015/55/88-ME(P)]

R. SRINIVASAN, Under Secy.

थम संचालण

नई दिल्ली, 22 जनवरी, 1990

का.आ. 604.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार लाई कृष्ण बैक के प्रवन्धनसंबंध के संबंध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्वाचित औद्योगिक विवाद में थम न्यायालय, एन्ऱकुलम के पंचपट को प्रकाशित करती है।

MINISTRY OF LABOUR

New Delhi, the 22nd January, 1990

S.O. 604.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Govt. hereby publishes the award of the Labour Court, Ernakulam as shown in the annexure, in the industrial dispute between the employers in relation to the management of Lord Krishna Bank and their workman.

ANNEXURE

IN THE LABOUR COURT, ERNAKULAM

Thursday, the 16th day of November, 1989

PRESENT :

Shri. R. Raveendran, B.A., B.L.

Presiding Officer

Industrial Dispute No. 43 87(C)

BETWEEN :

The Chairman, M/s. Lord Krishna Bank Ltd., P. O. Kodungallur, Karala.

AND

Their workmen Shri K. V. Ramanandan, XLIII/960, Pachalam, Cochin-682012.

Representations :—

Shri P. F. Thomas, Advocate, Cochin-12.

—For Management.

Shri. M. Ramachandran, Advocate, Cochin-17.

—For Workman.

AWARD

The Industrial Dispute between the above parties was referred initially to the Industrial Tribunal, Madras for adjudication by the Government of India, Ministry of Labour, New Delhi as per Order No. I-12012/10/86-D.IV(A) dated 16-1-1987. Subsequently as per Order No. I-12012/10/86-D.IV(A) dated 20th April 1987 the dispute was transferred from the Industrial Tribunal, Madras to this Court for adjudication, by the Government of India, Ministry of Labour, New Delhi. The issue involved in the reference is as follows :—

"Whether the action of the Management of M/s. Lord Krishna Bank Ltd., in dismissing from service Shri K. V. Ramanandan, Clerk in the Mala Branch of their bank with effect from 18-5-1984 is justified ? If not, to what relief is the concerned workman entitled ?"

II. The dismissal under attack was after a domestic enquiry, the correctness of which was challenged by the workman. I have disposed of the objection regarding the domestic enquiry as per my preliminary order dated 6-11-89. It is unnecessary to repeat the facts and the contentions as they have been narrated in that order. I shall here extract the same in full :—

"PRELIMINARY ORDER

The issue referred for adjudication by the Government of India as per Order No. I-12012/10/86-D.IV(A) dated 16-1-1987 is "whether the action of the management of M/s. Lord Krishna Bank Ltd., in dismissing from service Shri K. V. Ramanandan, Clerk in the Mala branch of their bank with effect from 18-5-1984 is justified ? If not, to what relief is the concerned workman entitled ? This reference was made by the Government of India to the Industrial Tribunal, Madras. Subsequently as per Order No. I-12012/10/86-D.IV(A) dated 20th April 1987 the dispute was transferred from the Industrial Tribunal, Madras to this Court for adjudication, by the Government of India

2. The workman has filed a claim statement stating as follows :—

The workman while serving as Clerk in the Mala Branch of the Management Bank was given a memo of charges dated

30th September, 1983 for misconducts alleging that (1) he caused damage to Savings Bank Records, Advance Register, weekly/Monthly statement books by scribbling, illegible writings and tearing of pages during the period from 29-8-1980 to 2-9-1983 and (2) behaving disorderly and indecently in the Bank during working hours towards staff members and customers using abusive epithets and causing disrupts to the Bank and obstructing smooth functioning of the Bank. By explanation dated 2-11-1983 the workman submitted that he was suffering from mental agony, stress and strain and that the irregularities alleged to be committed by him was due to mental stress, agony and anxiety. The workman has also stated in his explanation that the irregularities referred to in the memo of charges were not caused out of his free will and were caused unaware. He further requested for pardon. The management of the Bank was passively responsible for his mental condition, stress and strain and the Bank was fully aware of his ill-health as they themselves had granted leave to him for four months. The workman could not effectively participate in the enquiry in view of his mental sickness which got worsened due to the action of the management in keeping him under suspension pending enquiry. The enquiry officer without properly considering the explanation and the facts and circumstances of the case found the petitioner guilty of the misconducts alleged against him. There is no evidence at all the domestic enquiry that the employer Bank was put to any financial loss or damage or that workman had acted dishonestly in connection with the affairs or business of the Bank or that there was moral turpitude on the part of the workman. The Management of the Bank has also not taken into consideration his clean and unblemished record of service for 11 years of his past service while giving him the capital punishment of dismissal from service. The findings of the enquiry officer are arbitrary and biased. No financial loss or damage whatsoever was caused to the Bank or its customers due to the scribbling, illegible writing and tearing of pages. There was no evidence in the enquiry as to the date of occurrence of the above and to what extent other employees handled the documents. The enquiry officer has also not found that any loss had been caused to the Bank. The particulars of the disorderly behaviour and the names of the staff or customers against whom the petitioner misbehaved and the time and date of the occurrence were not mentioned in the charge-sheet. The so called misconducts stated to be proved in the domestic enquiry are of such a minor character so that the extreme punishment of dismissal awarded to the workman is shockingly disproportionate. In view of the mental sickness of the workman at the time, the enquiry held was a farce and he was not in a position to defend himself. The workman was a member of All India Bank Employees Association and was taking an active part in the trade union activities. This was not to the liking of the Management and so much so, he was forced to resign from the Union. The disciplinary action taken against him for minor lapses due to his psychiatric condition and resultant uncontrollable body movement is thus clearly an act of victimisation. The punishment of dismissal given to the workman is illegal and against the law laid down by the Supreme Court in several cases regarding awarding punishment to an industrial worker. He may be reinstated in service with full back wages and other benefits.

3. The Management filed a statement of objection contending as follows :—

The punishment of dismissal awarded to the workman is after due consideration of all the relevant facts and circumstances relating to the misconduct of the workman and is fully justified and appropriate. The very existence of the institution depends upon not only the reputation and image of the Bank, which has to be built up by the discipline, good behaviour and courtesy of its personnel and also the perfect manner by which all the books of account and records evidencing the monetary transactions are maintained. Their very acts of misconducts on the part of the workmen which are proved not only by his admission but also in the course of enquiry cuts the very foundation of these essential requirements of the service discipline. The charges against the workman are such which include causing damage to the books of accounts, registers and records and scribbling, illegible writings and tearing of pages thereof

and disorderly and indecent behaviours to the staff members and clients of the Bank. The said acts can never be condoned by accepting the explanation put up by the workman describing them as unintentional and were not caused out of workman's free will but were caused unawares. The statement of the workman that the management was passively responsible for his mental condition, stress and strain is not only baseless but untrue also. The workman had availed his accumulated privage leave stating that he is intending to go to Hyderabad and never put up the reason of any sickness as is seen put up by the workman now. He has different versions about the reasons leading to his alleged mental agony, stress, and strain as can be seen from his first explanation dated 2-11-1983. The allegation that the action of the management was unreasonable and vindictive and the sole object was for victimising him for his trade union activities is also baseless and untrue. The workman was given all opportunities to defend his case in the enquiry. The enquiry officer's conclusions upholding all the charges are also based on fair assessment of the evidence on record and also on the testimony of witnesses examined in the course of the enquiry. Before awarding the punishment of dismissal he was again provided with an opportunity for a personal hearing and representation in regard to the proposed nature of punishment. The punishment of dismissal was awarded only after hearing him. Anything less than a dismissal would have serious repercussions and adverse effect on the discipline and smooth functioning of the institution. The workman filed an appeal to the appellate authority. The appellate authority after a careful consideration of the grounds of appeal and upon hearing the workman upheld the punishment. The workman has no case that he is not guilty of the charges, but his defence appears to be that he was emotionally upset during the relevant time. The punishment of dismissal awarded to the workman is perfectly justified and lawful. The very nature of the misconduct which not only stand admitted but also proved to have been committed by the workman will certainly fall within the category of gross misconducts under Chapter XIX of the Bipartite Settlement governing the service of the Bank employees. The enquiry was conducted following the principles of natural justice. The findings are also supported by legal evidence.

4. The question to be considered is whether the enquiry conducted against the delinquent is legal and proper and so also the finding entered into by the enquiry officer against the delinquent is supported by legal evidence.

5. For the Management MW1 was examined and Ext. M1 was marked. For workman WW1 was examined and Ext. W1 marked.

6. The delinquent was a Clerk in the Management Bank. While so, a memo of charge was issued to him containing the following allegations of misconducts:—

I. While working as a clerk of the Mala Branch of the Bank he has caused damage to the records of the Bank, in the following cases, by scribbling, illegible writings and tearing of pages.

(a) Savings Bank Pass Book No. 4, relating to Account No. 7/71 in the name of Mrs. Mariamma Vackachan covering the period from 31-7-1982 to 14-7-1983.

(b) Savings Bank subsidiary journal for the period from 14-9-1982 to 27-8-1983.

Scribbling on pages 57 to 60, 85 to 87, 90 to 95, 98, 99, 102, 103, 105, 107, 109, to 114, 116, 118, 120, 121, 122, 137, 138, 139, 144, 150, 153 to 157, 169, 170, 180, 181, 184, 185, 193, 194.

(c) Priority sector Advances Liability Register covering the period from 26-6-81 to 1-9-83 — pages 23 to 31.

(d) Monthly statement (Balancing) Register relating to SB, RD, CD & FD covering the period from 29-8-1980 to 29-9-1981 — pages 85, 92 to 94.

(e) Weekly/Monthly statement Book relating to OD, CD, FD, BP, RD, ABD, KND covering the period from 5-5-1980 to 31-3-1983 pages 47, 49, 95.

II. He has been behaving indecently and disorderly in the Bank during working hours towards staff members and also towards customers who came to the Bank for transacting business, particularly on 23-8-1983 when you moved out of the counter and spoke indecently, singing and making ugly scenes, using abusive epithets, thereby acted disorderly and in a manner subversive of discipline and causing disrepute to the Bank and obstructed the smooth functioning of the Bank.

The delinquent has submitted a reply to the memo of charges stating that he was in receipt of the memo and he was laid up and not in a position to prepare to explanation and submit the same in time fixed in the memo. Further he requested one months time for submitting his explanation, which was granted by the Management. Thereafter he has submitted his explanation stating that while working in Mala Branch he was going daily from his house at Pachalam, Cochin which caused great strain and weakness to his physique and he had some mental agonies also. It is also stated that the irregularities have not been caused out of his free will and he did not remember what prompted him to do so. He had taken leave to recoup his health from 19-4-83 to 16-8-1983. It is further stated in the explanation that he might be excused for the irregularities for the time being and he assured that such incidents would not be repeated in future. Not satisfied with the explanation submitted by the delinquent the Management ordered a domestic enquiry by appointing an enquiry officer, who conducted the enquiry and submitted his report. Ext. M1 is the enquiry file containing the report also. On perusal of Ext. M1 would go to show that the delinquent was given sufficient opportunity to defend his case and he was also given opportunity of being heard. It can also be seen that even though he was given sufficient opportunity to participate in the enquiry effectively and earnestly, he has not utilised that opportunity. But the enquiry proceedings would amply prove the fact that the domestic enquiry Officer has followed the principles of natural justice in conducting the enquiry. Therefore I hold that the enquiry conducted by the enquiry officer is legal and proper.

7. Concerning the finding, it can be seen that the delinquent has admitted the change in his explanation. But he has pleaded for pardon. The enquiry Officer has relied on Ext. M1 to M10 marked in the enquiry and the testimony of MWs 1 and 2 in the enquiry. On perusal of the testimony of these witnesses it can be seen that they have substantiated the charges against the delinquent and their testimony stand unchallenged. There is no reason to disbelieve the version of these witnesses in the light of the explanation submitted by the delinquent and Exts. M4 to M10 in the enquiry, the registers and books maintained by the Bank. It can also be seen from Ext. M1 enquiry file that the delinquent has given a statement before the enquiry officer admitting the charges. In these circumstances I find that the enquiry officer has entered his findings on proper appreciation of the evidence of the two witnesses examined in the enquiry and the exhibits and the admissions made by the delinquent before him as well as the admissions made in the explanation. It can be seen that the main defence of the delinquent is that he has committed these misconducts because of his mental disease. He has produced a medical certificate Ext. W1 issued from the Lourdes Hospital Ernakulam, Cochin-12. It can be seen from Ext. W1 that the delinquent was admitted in the hospital on 17-3-1984 and he was discharged from the Hospital on 23-3-1984. The diagnosis is "Tremor and head nodding due to anxiety". When WW1 Dr. Kurian Scaria of Lourdes Hospital, was examined, he would depose that he is a general physician and a Psychiatrist was there in the hospital at the time when Sri. K. V. Ramanandan was admitted in the hospital and he was in a condition created by anxiety. It can be seen that the reason stated by the delinquent in his explanation for the development of the Anxiety is entirely different from the reason stated in the claim statement. anyhow, there is sufficient evidence in this case to prove that the

delinquent has committed the misconduct and even if he has committed the misconduct on account of his mental illness, the findings entered into by the domestic enquiry officer are legal and proper. Hence I hold that the findings entered into by the Enquiry Officer are supported by legal evidence and they cannot be termed as perverse.

8. In the result it is hereby found that there was a proper and valid domestic enquiry and that the findings of the Enquiry Officer are correct."

III. Both sides were heard on the question as to whether the workman is entitled to any relief in the matter of punishment. The question is as to whether in the circumstances of this case Shri K. V. Ramanandan is entitled to any relief in the matter of punishment as per Section 11-A of the Industrial Disputes Act. The proved misconduct against the delinquent is that he has caused damage to the records of the Bank by scribbling, illegible writings and tearing of pages and also he has behaved indecently and disorderly in the Bank during working hours towards staff members and also towards customers who came to the Bank for transacting business. The punishment imposed is dismissal. The misconduct proved is admitted by the delinquent. But his defence is that he has done this misconduct on account of his mental illness. Now he has completely recovered from his illness and he is fit to join duty. The delinquent has examined the Doctor who issued a certificate showing that Shri Ramanandan was suffering from "temper and head nodding due to anxiety". The Doctor has deposed before this court as WW1 that Shri Ramanandan has now recovered from his illness. It has come out in evidence that the delinquent has committed this misconduct on account of his mental illness. He had no wilful or deliberate intention to do this misconduct. The nature of the misconduct committed by him would also disclose the fact that he had no intention to cause loss to the Bank. Taking into consideration all the facts and circumstances of the case I hold that the workman should be given one more chance to reform himself and prove to be a disciplined employee since he is a young man. Therefore he is to be reinstated in service without back wages and without continuity of service.

IV. In the result an award is passed directing the Management to reinstate the workman Shri K. V. Ramanandan without back wages and without continuity of service forthwith.

Ernakulam.
16-11-1989.

R. RAVEENDRAN, Presiding Officer
(No. I-12012/10/86-D.IV(A)/IR(B-IV)

APPENDIX

Witness examined on the Management's side :

MW1. Shri S. Ganapathy Iyer.

Witness examined on the Workman's side :

WW1. Dr. Kurian Scaria.

Exhibit marked on the Management's side :

Ext. M1. File relating to the domestic enquiry held against Shri K. V. Ramanandan.

Exhibit marked on the Workman's side :—

Ext. W1. Discharge certificate issued to Shri Ramanandan from the Lourdes Hospital, Ernakulam, Cochin-12.

R. RAVEENDRAN, Presiding Officer

का.आ.टा. 605—आंशोगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसार में, केन्द्रीय सरकार द्वारा इंडिया पंथरेंस कं. लि., नई दिल्ली के प्रबन्धतंत्र के संबंध नियोजकों और उनके कर्मकारों के बीच अनुवंश में निर्णित आंशोगिक विवाद में केन्द्रीय सरकार

आंशोगिक अधिकरण, नई दिल्ली के पंचायट को प्रकाशित करने हैं।

S.O. 605—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, New Delhi as shown in the Annexure, in the industrial dispute between the employers in relation to the management of New India Assurance Co. Ltd., New Delhi and their workmen.

ANNEXURE

BEFORE SHRI G. S. KALRA, PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL,
NEW DELHI

J.D. No. 36/87

In the matter of dispute between :

Shri Rajinder Singh, S/o Shri Mange Ram, Safai Karamchari, as represented by the Delhi Labour Union Agarwal Bhawan, G.T. Road, Tis Hazari, Delhi-110054.

Versus

The Management of the New India Assurance Company Limited, Padma Tower-I, 7th Floor, Rajendra Place; New Delhi-110008.

APPEARANCES :

Shri C. P. Aggarwal—for the workman.

None—for the Management.

AWARD

The Central Government in the Ministry of Labour vide its Order No. L-17012/31/85-D.IV (A) dated 1-3-87 has referred the following industrial dispute to this Tribunal for adjudication :

"Whether the action of the management of New India Assurance Co. Ltd., Delhi in not absorbing Shri Rajinder Singh, Sweeper on regular basis and terminating his services w.e.f. 21-6-85 is justified? If not, to what relief the workman is entitled to?"

2. The workman in his written statement has submitted that he joined employment of the respondent Management on 23-7-1979 but he was treated as a part time employee and was being paid @ Rs. 120 P.M. No appointment letter was given to him nor any other benefits were being given as were being given to other employees and this amounts to unfair labour practice. He served a demand notice dated 12-3-84 on the Management for being absorbed in regular employment with consequential benefits w.e.f. 1-3-84. During the pendency of the dispute before the Conciliation Officer his services were terminated on 22-6-85 without assigning any valid reason and he was not allowed to enter the premises of the Management. The termination of his services was violative of Sections 25-F, 25-G and 25-H of the I. D. Act and Rules 76 and 77 of the Industrial Disputes (Central Rules) 1957. He has, therefore, prayed that he may be reinstated with continuity of service and with full back wages.

3. The Management in its written statement has raised the preliminary objections that this Tribunal had no jurisdiction as there was no relationship of Management and Workman between the parties that the Government of India, Ministry of Labour has no authority to refer the dispute to this Tribunal as the Management is a limited registered company under Company law and has its separate and independent legal entity. On merits it was submitted that the workman had never been in the employment/service of the Management as part or full time employee. There was no contract of employment between the parties and as such the question of treating the workman as a part time employee or issuing any appointment letter in his favour did not arise. The workman was a sweeper and he had been cleaning various offices in the morning time situated at Rajendra Place, New Delhi on daily basis, such as M/s. Jaaj Associates, Ghaziabad Capsules and M/s. Hair Transplant Clinic etc. He also requested officer incharge of the Management that as he was

already cleaning the adjoining offices he wanted to clean office of the Management also. Thus the Management allowed the workman to do the cleaning work of the office in the morning on a flat rate of Rs. 120 P.M. The Management has a proper and settled procedure of employment in its offices situated practically in every city of India and the claimant was never kept for any kind of permanent or part time employment and his work was optional and he was at liberty to stop cleaning according to his wishes and similarly the Management was also at liberty to refuse him from doing the cleaning work whenever it liked. His attendance was never recorded and no working conditions or terms were imposed upon him. Whenever he used to find free and convenient he used to come and clean the office. The Management had no supervisory or administrative control over him. The claimant used to receive money against his work and not as wages. As the claimant was not in the regular or even permanent or part time employee of the Management, as such, question of absorbing him or not absorbing him in regular employment did not arise. The question of termination of services of the workman also did not arise as the workman had himself stopped cleaning the office.

4. It's reference has been pending since the year 1987. The Management has been given as many as 14 opportunities to produce its evidence. But it did not even file any affidavit of the witnesses as called upon, not to speak of producing the witnesses. Upto 8-11-88 one Shri Probodh Chander had been appearing for the Management but none appeared for the Management on the next date 13-12-88 when a registered notice was ordered to be issued to the Management.

In spite of the issue of registered notice the Management failed to put in appearance thereafter although the case was adjourned a number of times. Ultimately the Management was proceeded ex parte on 24-11-89, under Rule 22 of the Industrial Disputes (Central) Rules 1957. The evidence of the workman has been recorded. He tendered in evidence his affidavit alongwith documents Ex. W-1 to W-11.

5. First of all, I will take up the preliminary objections taken by the Management. Its contention that the Government of India Ministry of Labour had no authority to refer the dispute to this Tribunal as the Management is a limited registered company under Company law and has its separate and independent legal entity and consequently the reference is illegal and without any jurisdiction, is fallacious. Section 2(a)(i) I. D. Act clearly stipulated that in relation to any Industrial Dispute concerning any industry carried on by or under the authority of the Central Government and or concerning any such controlled industry as may be specified in this behalf by the "Central Government on in relation to an industrial dispute concerning a banking or an insurance company the appropriate government means the Central Government." The letter head of the Management used for the letter of authority placed on record itself shows that it is a subsidiary of the General Insurance Corporation of India and the General Insurance Corporation of India is wholly owned by the Government of India. Therefore, in relation to any Industrial Dispute relating to the respondent, appropriate government is the Central Government and the reference made by the Central Government is legal and valid and this Tribunal has the jurisdiction.

6. The Management has also raised the frivolous plea that what was being paid to the claimant for performing the cleaning duties of its establishment was in lieu of work done and it did not amount to wages. It appears to be oblivious of the definition of "wages" as given in section (2)(fr) which for its benefit is reproduced below :

"wages" means all remuneration capable of being expressed in terms of money, which would, if the terms of employment, expressed or implied, were fulfilled, be payable to a workman in respect of his employment, or of work done in such employment.

The third objection raised by the Management is that there was no relationship of employer and employee between the parties. The Management admits that the workman had been doing its cleaning work for the period in dispute but its contention is that the claimant was working only for a limited period of his own choosing for which he was being

paid @ 120 P.M. At best this employment amounts to part time work but even in the case of part time work there is relationship of master and servant between the parties. In the authority Govndbhai Kanabhai Maru Versus N. K. Desai 1988 Lab. I.C. 505 it was held as under :

"He has also urged that even a part time employee is covered by this definition of 'workman'. For this proposition, he relies on a Division Bench judgment of this court in Special Civil Appl. No. 3063/86 (Coram : P. R. Gokulkrishnan C.J. and R. A. Mehta J. decided on 18th June, 1986). It has held as under :

"It is clear from the facts of the case that the doctor who was doing part time job for over 18 years can be easily considered as a 'workman' coming under the definition of 'workman' under the Industrial Disputes Act. The honorarium paid, in our opinion, will squarely come under the definition of 'wages' under S. 2(r) of the Industrial Disputes Act."

This court is in respectful agreement with the said judgment of the Division Bench. The definition of "workman" in the Act is couched in sufficiently wide terms so as to include even the part time employees who have been in service over a long period. Therefore it is held that the present petitioner falls within the definition and he should be treated as workman under the Act."

7. The evidence produced by the claimant has gone unchallenged. However, the workman has not been able to give any convincing argument that he was entitled to absorption in the regular employment of the Management. But his termination without compliance with the provision of Section 25-F of the I. D. Act is clearly illegal and unjustified. Hence it is directed that the workman shall be reinstated with continuity of service and with full back wages.

18th December, 1989.

G. S. KALRA, Presiding Officer

[No. I-17012/31/85-D.IV(A)/IR (B-I)]
PADMA VENKATACHALAM, Dy. Secy.

नई दिल्ली, 15 फरवरी, 1990

का.आ. 606—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भारतीय रिजर्व बैंक के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकारण, नई दिल्ली के पंचपट को प्रकाशित करती है।

New Delhi, the 15th February, 1990

S.O. 606.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, New Delhi as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Reserve Bank of India and their workmen.

ANNEXURE

BEFORE SHRI G. S. KALRA, PRESIDING OFFICER,
CENTRAL GOVERNMENT, INDUSTRIAL TRIBUNAL,
NEW DELHI

I. D. No. 104/87

In the matter of dispute between :

Shri Nand Kishore and 29 others; through The General Secretary, (Sh. V. K. Nigam), Reserve Bank of India

Staff Association, RB A-27 R K Puram, Sector VI; Phase II; R.B.I. Colony, New Delhi

Versus

The Manager, Reserve Bank of India, Parliament Street, New Delhi-110001.

APPEARANCES :

Shri V. K. Nigam—for the Union.

Shri P. S. Bindra—for the Management.

AWARD

The Central Government in the Ministry of Labour vide its Order No. L-12011/39/87-D.II (A) dated 9-11-87 has referred the following industrial dispute to this Tribunal for adjudication :

"Whether the action of the management of Reserve Bank of India in not giving seniority in accordance with the Combined Seniority Agreement to the 30 workmen (List enclosed) is justified? If not to what relief the concerned workmen are entitled?"

2. The Reserve Bank of India was constituted on April 1, 1935 under the Reserve Bank of India Act, 1934. The main purpose of constituting the bank was to regulate issue of the bank notes and the keeping of reserves with a view to securing monetary stability in India. In course of time, new actions came to be added to meet the growing need of the expending economy. In the year 1935 when the bank was established, it took over the currency function of the Government of India. Prior to 1935 the system of contract treasurship was prevalent both in the Imperial Bank of India and the Currency Department of Government of India. Under this system, the treasurer was engaged on a special contract. He was responsible for any loss or damage caused to the Bank even by his subordinates by their acts of commissions and omissions or negligence. In consideration of this he was given the right to nominate candidates for appointment in Cash Department. In course of time the employees union opposed the system on the ground that it led to nepotism and favouritism in cash department. The matter was raised before the Desai Tribunal but no directions were given on the ground that the system was not covered by the reference. Dissatisfaction however remained brewing and by 1955 the Bank considered the abolition of the system. In 1956 when the Cash Department was opened for the first time in Hyderabad contract treasurship was not resorted to. By 1966 it was abolished at all centres. Although there was no contract system, persons employed under the system continued to be employees of the Bank and came under the overall control of the Bank as in the case of other employees. The staff of the Reserve Bank of India thus comprised of those employees who came in from the then Controller of Currency Office associates from the Imperial Bank of India as well as from the Office of the Accountants General and the staff of the erstwhile Hyderabad State Bank. Thus the composition of personnel of the Reserve Bank of India was diverse and segregated. The total work of the Reserve Bank of India was departmentalised into close compartments, thus dividing the staff into distinct categories for purposes of promotion etc. Even after the retirement of the old staff drawn from various institutions and departments and their replacement by fresh staff recruited exclusively by Reserve Bank of India the avenues of promotion varied from department to department. But Trade Unions lodged representations and protests for removal of these imbalances. In this background, a scheme known as "Scheme for Combined Seniority List and switch over from non-clerical staff to clerical cadre" hereinafter referred to as the "scheme" was framed and agreed upon between the Reserve Bank of India Management on the one side and the All India Reserve Bank Employees Association and was enforced w.e.f. 7-5-1972". Some of the provisions of the said scheme which are relevant for the purpose of present controversy are reproduced below :

- "1. Combined Seniority between clerical staff and eligible non-clerical staff opting for switchover.
- (a) All employees in Class III non-clerical cadre substantially in the categories that have been listed as Group I, III, IV and V of the settlement dated 7th October, 1970; who are graduates or have passed

both parts of Institute of Bankers Examination, will be eligible to exercise an option in accordance with sub-clause (a) or (b) of clause 2 to be transferred, automatically and without any screening, to posts in the clerical cadre which are vacant and are other than of a purely stop-gap or short-term nature, subject to clause (b) below. Actual transfer to positions involving clerical duties will be effected in a phased manner as laid down in clause 7.

- (b) On such option being exercised within the period of two months as per clause 2(a) or one month as per clause 2(b) as the case may be, the position of such optee will be fixed in the combined seniority list by counting for the purpose of seniority in the clerical cadre one third of his total non-clerical service in Class III in the Bank until the date of this settlement or the date of acquiring the qualification i.e. the date of publication of the results of the examination, as the case may be videlicet clauses 3(a) and 3(b).
- 2. (a) All employees who are eligible in terms of clause 1(a) on the date of this settlement should exercise the option for automatic switchover to the clerical cadre referred to in clause 1(a) within two months from the date of this settlement. The option once exercised shall be final provided however that this may be revoked at any time before the employee is actually transferred to the clerical cadre. Such revocation shall have the effect of finally depriving the employee of the right of option. Those eligible but not exercising the option within the aforesaid period of two months will lose the right of option; provided however, that as a transitional arrangement an employee in the non-clerical cadre having completed 42 years of age or more as on the date of this settlement and being entitled to opt for the clerical cadre (being a graduate or having passed both parts of the Institute of Bankers Examination) but not exercising the said option within the aforesaid period will be governed by the provisions of clause II(b) of the memorandum entitled "Reserve Bank of India Scheme for Promotions; Staff Officers Grade II".
- (b) Any employee who acquires the qualification for eligibility after the date of this settlement will have, within one month of acquiring the said qualification, to exercise his option whether he desires to switchover to the clerical cadre with his seniority being determined as per clause 1(b). The option once exercised shall be final subject to the right of revocation and above. Those eligible but not exercising the option within the aforesaid period of one month shall lose the right of option thereafter.
- 3. (a) The notional seniority in the clerical cadre of those employees who are eligible for switchover on the date of this settlement and exercise their option under clause 2(a) will be fixed with effect from the date of this settlement.
- (b) In respect of employees who acquire the eligibility qualification in future and exercise their option under clause 2(b), their notional seniority in the clerical cadre will be fixed with effect from the date of acquiring such qualification viz. date of publication of the result of the examination.
- (c) Fixation of seniority whether under sub-clause (a) or (b) will, however, be subject to the proviso that the inter-se position as between two employees in the concerned seniority list of non-clerical employees as it stood immediately before the date of this settlement or the date of acquiring the qualification for switchover is not disturbed to the detriment of a senior employee as in the relevant seniority list.
- 4. (a) An employee opting for switchover will, for the purpose of compilation of the combined seniority list, be deemed to be a member of the clerical cadre with effect from the date as at clause 3(a) and 3(b), as the case may be.

(b) Until such time as he is actually transferred to the clerical cadre an optee from the non-clerical cadre will, however, continue to be in the non-clerical grade in which he is placed at the time of option and will accordingly remain eligible for promotion in the non-clerical cadre:

Provided that an employee officiating in a category that is listed as Group II, VI, VII or VIII, as the case may be of the settlement dated 7th October, 1970 will be confirmed in that category only if he revokes his earlier option before confirmation, for which he will have an opportunity.

7. (a) The actual transfer to clerical duties of employees who opt for switchover shall be effected (subject to clause 1) strictly according to seniority as per date of first appointment in the Bank's service in Class III cadre but in a phased manner and subject to the reasonable exigencies and requirements of the Bank's work; provided however, that as between two eligible employees the senior in the existing seniority lists will get the first chance for transfer.

(b) When the combined seniority list is completed as per clause 13, phased transfers in terms of sub-clause (a) will take place as one stream, side by side with another stream viz. appointments from the current waiting lists for clerks (both graduates and under-graduates) to fill vacancies in clerical cadre. The consequential vacancies of coin note examiners in the non-clerical cadre will be filled from the current waiting list for coin/note examiners. Recruitment from the current waiting lists for coin/note examiners and clerks will be continued but when the list for coin/note examiners is exhausted, recruitment from the residual part of the clerical waiting list will, after 31st August, 1972, be made to common Class III category that will comprise, for the present, of clerks, coin/note examiners and any other categories as may be considered appropriate."

3. There is no dispute regarding the non-clerical employees who were eligible in terms of clause 1(a) and exercised their option in terms of clause 2(a) of the present dispute has arisen about the employees who were not eligible at the time of implementation of the scheme but acquired the requisite qualification and became eligible afterwards and exercised their option in terms of clause 2(b) of the Scheme. The 30 employees who are covered by the schedule of the present reference fall in the latter category of employees. The genesis of this dispute is the following further condition imposed by the Management on the optees under clause 2(b) "His/her transfer will be to the common cadre of clerks Gr. II Coin/Note Examiners Gr. II and he/she will be liable for transfer to any department of the bank including the cash department".

4. The case of the workman is that there was no clause in the "Scheme" which provided that the R.B.I. Management would reserve the right of imposing any further terms and conditions on the employees who opted for switch over from the non-clerical cadre to the clerical cadre under the scheme and consequently the imposition of the further condition above mentioned was in contravention of the provisions of the scheme, under which it was provided that the switch over from the non-clerical cadre to the clerical cadre would be automatic and without any screening, and it has been stated that by imposing this condition the bank has nullified the very purpose of the "Scheme" because the optees had opted for a switch over from the non-clerical cadre to the clerical cadre (whereas the imposition of the condition is against their original option under the scheme and they will be liable for posting in cash department in the non-clerical cadre even after losing 2/3rd of their non-clerical seniority. Hence the above condition is ultra vires and is liable to be set aside. If this

condition was to be implemented, an optee for switch over from the non-clerical cadre to the clerical cadre in the Scheme will have to lose his 2/3rd seniority even when he is posted in the non-clerical cadre and as a consequence he become junior to both his co-appointees in non-clerical cadre and common cadre employees in general who joined the bank service later on in the year 1972. Hence the workmen have prayed that the order of the Management imposing the above condition be set aside and the workmen be given their seniority in the clerical cadre, as provided under the "Scheme" and alternatively they may be allowed to revoke their option under clause 2(b) as they have not been actually transferred to the clerical cadre so far and in no case they should be made junior to the employees in the common cadre who joined bank service later on to the appointment of these optees in the bank and the employees in the common cadre junior to these already in the bank service.

5. The R.B.I. has raised the preliminary objection that the dispute has been raised by the R.B.I. staff association which is an unrecognised union of employees and it does not have substantial following among class III employees in the bank at New Delhi and consequently the present dispute is not an Industrial Dispute within the meaning of section 2-K of the I.D. Act, 1947. On merits it was submitted that as per the provisions of the "scheme" read with circular No. 2475/102(6)-74/75 dated 6-6-75 an employee having opted duly from non-clerical to the clerical/common cadre could revoke his option before he was actually transferred to the clerical/common cadre the 30 employees involved in the present dispute did not avail of this opportunity and were actually transferred to the common cadre sometime between 1-2-78 to 9-9-80. The Scheme gave an option to the non-clerical employees to be transferred to the clerical cadre but in the interest of efficiency prescribed a qualification that only those employees in non-clerical cadre would be transferred who were either graduates or had passed both parts of Institute of Bankers' Examination. For determining their seniority vis-a-vis those in clerical cadre, the scheme adopted the rule that 1/3rd of total non-clerical service until 7th May, 1972 or the date of acquiring the requisite qualification should be taken into account. The bank also decided to have a common cadre of clerk/CNE Gr. II and the scheme provided that all future appointments would be made in the common cadre. When the Scheme was formulated it was expected that among the pre '72 non-clerical staff, those interested in opting out to clerical cadre will do so within one or two months or soon after so as to be eligible for fixing their seniority with pre '72 clerks. However, the 30 optees covered by the present reference took their own time to acquire the requisite qualifications and acquired the same between June 1974 to July 1980. The common cadre recruitment at New Delhi office had started in July, 1973. On 26-7-73 many employees who were interested in opting out were yet to acquire the necessary qualification. Therefore, it was felt necessary to inform the non-clerical employees that their transfer will be in the common cadre of clerks-cum-coin/note Examiner. As against the stipulation in the combined seniority scheme of transfer to clerical cadre. The workmen actually agreed to the further condition prescribed by the Management and gave undertaking in writing. Thus the thirty employees covered by this reference had voluntarily opted for the switch over knowing well the consequences of the further condition imposed. The R.B.I. cannot on any principle of law or by any process of implication be held bound to hold its heads in the matter of nationalisation of the scheme. It was always open to the Reserve Bank of India to stop any fresh recruitment in the two separate cadres of clerks Gr. II and Coin/Note Examiner Gr. II and make all recruitment only in the common cadre of Clerk-cum-Coin/Note Examiner Gr. II and the Reserve Bank was not bound to wait until all such employees of the Cash Department as were interested in switching over to the general-side had so switched over. If the concerned employees felt that the further condition was not acceptable to them they could have declined to accept the condition and thus remained in cash department. Even after accepting the condition they could have in terms of para 2(b) of the Scheme revoked the option before their actual transfer option to the common cadre. Having not done so now they cannot agitate that the condition which they accepted voluntarily is bad in law.

6. The following issues were settled :

1. Whether the dispute has not been properly espoused?
2. As in terms of reference.

ISSUE NO. 1

7. So far as the espousal of the dispute is concerned, the Management appears to be relying only on technicalities. The fact remains that all the 30 optees under the scheme who were affected by the action of the Management have authorised the present union which is a registered trade Union to prosecute the dispute on their behalf. The Union has further submitted that this issue was raised time and again by the R.B.I. Management in the number of disputes raised by this Union before the ALC(C), New Delhi and it was settled that the Union had substantial following and had rightly raised the disputes. It is also significant to note that this aspect must also have been considered by the Labour Ministry before it decided to make the reference to this Tribunal. The stand taken by the Management runs counter to the observations of the Hon'ble Supreme Court of India in case S. K. Verma Vs. Mahesh Chandra and another (183) 4 Supreme Court Cases 214 to the effect that when the Central Government in all solemnity refers the industrial dispute for adjudication, a Public Sector Corporation which is an instrumentality of the State (as R.B.I. is), should welcome a decision by the Tribunal on merits so as to absolve itself of any charge of being a bad employer or of victimisation etc. and should not attempt to evade decision on merits by raising preliminary objections on rigid technical grounds and drag the workmen from court to court wasting public time and money. I hasten to add that a dispute does exist between the 30 workmen covered by the reference and the Management of the R.B.I. and requires adjudication by this Tribunal. Hence the technical objection raised by the management is ignored and it is held that the present dispute is properly espoused and requires adjudication.

8. On merits it may straightway be noted that all the 30 workmen covered by this reference were actually informed of the further condition imposed by the Management and all of them had in fact given the requisite undertakings. There is also no evidence on the record to show that these undertakings were given under any form of duress and hence to all intents and purposes the undertakings given by the workmen are voluntary. The question that arises is whether the action of the Management in imposing the further condition is legal and justified. On a consideration of the entire facts and circumstances, the detailed reasons of which will be given in the following paragraphs, the answer to this question is clearly in the negative and in that event the so called voluntary undertakings given by the workmen are meaningless.

9. The first point to be noted is that the original option of the workmen was exclusively for their automatic switch-over to the clerical cadre under clause 2(b) of the combined seniority scheme. These workmen sacrificed 2/3rd of their non-clerical seniority for their switching over to the clerical cadre as contemplated under the scheme. The scheme does not contemplate the loss of 2/3rd seniority for the transfer of these workmen to the common cadre. In fact no such clause has been provided under the Scheme to effect their transfer to the common cadre on 1/3rd seniority of non-clerical grade. Clause 2(b) read with clause 4(b) of the Scheme clearly repeals the contention of the bank. It has been provided under clause 4(b) that "Until such time he is actually transferred to the clerical cadre, an optee from the non-clerical cadre will, however, continue to be in the non-clerical cadre in which he is placed at the time of option and will accordingly remain eligible for the promotion in the non-clerical cadre". There is also no provision in the scheme that the Management could impose any additional condition on the optees under the scheme. It is pertinent to observe here that the creation of the new Common cadres of clerical and Coin/Note Examiners and the Switch over from Non-clerical to Clerical cadre are two different aspects and the bank is trying to confound the two while determining the seniority of these 30 workmen. Since under the combined seniority scheme the cadre of clerical and non-clerical cadre which once were treated to be two distinct cadres, the common cadre has no connection whatsoever so far as switch over to clerical cadre is concerned and there arise no question of loosing their original position as defined in clause (b) in the non-clerical cadre in which they

are placed at the time of option. It would appear to be an act of high handedness if the 30 workmen were required to work on 1/3rd of their seniority in the non-clerical cadre, in the parent cash department itself. The contention of the bank that the pre '72 staff interested in posting to the clerical cadre were required to acquire necessary qualifications within one or two months or soon thereafter so as to be eligible for fixing their seniority with Pre '72 clerks is without any force. In the first instance there is no such provision in the scheme. Secondly it is well known that graduation is a course of three years and it is not correct to expect from anyone to complete his graduation within one or two months from the date of enforcement of the scheme as had been expressed by the bank. Therefore the allegation of the bank that these 30 workmen took their own time in acquiring the requisite qualifications does not hold any water. The stipulation of the Management that these workmen will have to work in their parent department on lost seniority which means junior to persons junior to them who may not have opted out of the non-clerical cadre is cruel to the extreme. It may be pointed out that such stipulation lacks lawful consideration and consequently is bad in law. It is manifestly clear from the "scheme" that the loss of 2/3rd seniority of non-clerical grade is contemplated solely for the purpose of switch over to the clerical cadre and not for the purpose of switch over to the common cadre. It may also be noted that the only justification for taking away 2/3rd seniority of the workmen is for switch over to clerical cadre and there would be no justification whatsoever for taking away any part of the seniority of these workmen if they were to be placed in the common cadre. The action of the Management has resulted in extreme injustice to these workmen from the promotional point of view as their transfer to the common cadre, that too on 1/3rd seniority, would mean to work as junior to both the direct recruits in common cadre and their colleagues in the cash department which would otherwise mean delayed promotion on both sides resulting in financial and status loss.

10. In view of the discussion made above, this reference is answered in favour of the workmen and against the Management. It is directed that either (i) these 30 workmen be kept in the clerical cadre on loss of 2/3rd of their seniority in the non-clerical cadre and they shall not be transferable to the parent cash department or (ii) if it is the contention of the Management that it is not feasible to keep them in the clerical cadre, they may be absorbed in the common cadre by taking into account their full service in the non-clerical cadre and without any loss of seniority or (iii) they may be given a further option to revert to the non-clerical cadre in their parent department with their original seniority. The choice in the matter is left to the Management keeping in view the fact that the workmen had accepted the further condition laid down by the Management, however, that the oppressive it may have been. The Management shall make up its mind in choosing any of these alternatives within one month of the enforcement of this award failing which the choice will pass on to the workmen who in turn must exercise their choice within one month thereafter and if any of the workmen fails to exercise the choice, the situation qua him/their as prevailed before the making of this reference shall hold good. This reference stands disposed of accordingly.

G. S. KALRA, Presiding Officer

20th December, 1989.

[No. L-12011/39/87-D.IIA/TR Bank. I]
PADMA VENKATACHALAM, Dy. Secy.

नई दिल्ली, 25 जनवरी, 1990

का. प्रा. 607—फेद्रीय सरकार का समाधान हो गया है कि लोकहित में ऐसा अपेक्षित है कि पाइराइट्स खनन उद्योग को, जो औद्योगिक विकास अधिनियम, 1947 (1947 का 14) की प्रथम अनुसूची की प्रविष्टि 20 के अन्तर्गत आता है, उक्त अधिनियम के प्रयोजनों के लिए लोक उपयोगी सेवा घोषित किया जाना चाहिए;

अतः अब, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खंड (३) के उपर्युक्त (६) द्वारा प्रदत्त शक्तियों का प्रयोग करके हुए, केन्द्रीय सरकार उक्त उच्चोग को उक्त अधिनियम के प्रयोजनार्थ तलाल प्रभाव से छ: मास की कालावधि के लिए लोक उपयोगी सेवा घोषित करती है।

[संख्या एस-11017/1/80-डी.-I(ए)]
नन्द लाल, अवर सचिव

New Delhi, the 25th January, 1990

S.O. 607.—Whereas the Central Government is satisfied that the public interest requires that the services in the Pyrites Mining Industry, which are covered by entry 20 in the First Schedule to the Industrial Disputes Act, 1947 (14 of 1947), should be declared to be a public utility service for the purposes of the said Act;

Now, therefore, in exercise of the powers conferred by sub-clause (vi) of clause (n) of Section 2 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby declares with immediate effect the said industry to be a public utility service for the purposes of the said Act, for a period of six months.

[No. S-11017/1/80-D.I(A)]
NAND LAL, Under Secy.

नई दिल्ली, 25 जनवरी, 1990

का.आ. 608—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बैंक आफ बरोदा के प्रबंधतात्र के संबंध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निविष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकारण, नं. 2; बंदर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को प्राप्त हुआ था।

New Delhi, the 25th January, 1990

S.O. 608.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal No. 2, Bombay as shown in the Annexure in the Industrial dispute between the employers in relation to the Bank of Baroda and their workmen, which was received by the Central Government.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2, BOMBAY

PRESENT :

Shri P. D. Aoshankar, Presiding Officer.
Reference No. CGIT-2/26 of 1986

PARTIES :

Employers in relation to the management of bank of Baroda.

AND

Their Workmen

APPEARANCES :

For the employers—Shri R. B. Pitale, Labour Adviser.
For the workmen—Shri M. B. Anchan, Advocate.

INDUSTRY : Banking STATE : Maharashtra
Bombay, dated the 30th November, 1989

AWARD

The Central Government by their Order No. L-120011/77/85-D. II(A) dated 24-6-1986 have referred the following industrial dispute to this Tribunal for adjudication under Section 10(1)(d) of the Industrial Disputes Act :—

"Whether the action of the management of Bank of Baroda in relation to Maharashtra Zone, Bombay, in not paying Telephone Operators allowance to six blind telephone operators (S/Shri Mahadeo Gurao, Shau Prasad C. Joshi, J. V. Gujane, G. S. Kaile, D.O. Dellia and Kun. S. Vaidyanathan) is justified ? If not, to what relief they are entitled?"

2. The case of the said six Telephone Operators as disclosed from the statement of claim (Ex. 2/W) filed on behalf of the Bank of Baroda Employees' Union, Bombay, in short, is thus:—

The Bank of Baroda had appointed about ten blind telephone operators in different branches of Bombay City Region of Maharashtra Zone, under the Physically handicapped persons quota since 1978 as telephone operators. They are entitled to regular pay and allowances in the grade, plus Telephone Operator's allowance. They are entitled to Telephone Operator's allowance, whether they are blind or otherwise. However, the Bank is not paying the Telephone Operator's allowance to the six blind telephone operators, even though the allowance is being paid to four other blind telephone operators, who are posted in branches where there are three telephone lines or more in the telephone board. The Bank is not paying Telephone Operator's allowance to the remaining six blind telephone operators, who are working in the other branches on the pretext that they are not operating three lines telephone board. However, all the Telephone operators are entitled to telephone operators allowance under the first Bipartite settlement dated 19-10-1966 under para, 5.2 read with para 5.9. The blind telephone operators appointed by the other Nationalised Banks, such as, Central Bank of India, Bank of India, United Commercial Bank, Canera Bank, Indian Overseas Bank, Punjab National Bank and Dena Bank are being paid Telephone Operator's allowance irrespective of whether they operate three lines board or not. This allowance is being paid as per the Bipartite Settlement. As the said seven nationalised Banks are paying the telephone operators allowance to the telephone operators, there is no reason why the Bank in question should refuse to pay the Telephone Operator's allowance to the six blind telephone operators in question. The provisions of the Bipartite Settlement are binding on all the Banks including the Bank in question. The Bank in question is discriminating by paying Telephone Operator's allowance to four blind Telephone Operators, and denying it to the six operators. By virtue of their appointment as Telephone Operators, they are entitled to get the Telephone Operator's allowance, whether they operate three lines board or not. As the Bank management refused to pay the telephone operator's allowance to the telephone Operators in question, the said Union raised an industrial dispute with the Assistant Labour Commissioner (C), Bombay. However, as the Conciliation proceedings ended in failure, the Central Government made the reference as above. The Union therefore prayed that the six telephone operators be directed to be paid telephone operator's allowance from the date of their appointments as Telephone Operators.

3. The Senior Manager, Bank of Baroda, by his written Statement Ex. 3/M contested the claim of the Union, and in substance contended thus :—

The demand in question of the Union does not partake the character of an industrial dispute within the meaning of Section 2(k) of the Industrial Disputes Act, 1947. The demand is in the nature of recovery of money due from the employer, and as such, a claim

cannot be construed in the Reference under Section 10(1)(d) of the Industrial Disputes Act, which is only for adjudication, and not for recovery of the money. The management of certain Banks including the Bank in question represented by Indian Banks' Association and the All India Bank Employees Association and the National Confederation of Bank Employees have signed a Memorandum of Settlement under Section 2(p) read with Section 18(1) of the Industrial Disputes Act, 1947, on 8-5-1983. In view of clause 25 of that settlement, the Union is barred from submitting any demand in respect of payment of Telephone Operators' allowance, during the currency of the settlement, which is not yet terminated by either of the parties. As regards merits of the case the Bank management contended thus :—

The Telephone operators, who operate PBX Telephone Board with minimum of three external lines on a regular basis are paid Telephone Operators' allowance in terms of the Bipartite settlement, and those telephone operators who operate PBX Board with less than three lines are not paid Telephone Operators' allowance. As none of the Telephone Operators in question is operating PBX Board with more than three lines they are not entitled to special allowance of Telephone Operators. The Bank management, therefore, prayed for the dismissal of the prayer of the Union.

4. The Issues framed at Ex. 4 are :—

- (1) Whether under the First Bipartite settlement dated 19-10-1966 para. 5.2 read with para. 5.5, the six Telephone Operators in question are entitled to Telephone Operators' allowance ?
- (2) Whether the other nationalised Banks, such as Bank of India, Central Bank of India, United Commercial Bank, Canara Bank, Indian Overseas Bank, Punjab National Bank and Dena Bank are paying Telephone Operators' Allowance to their Blind Telephone Operators irrespective of whether they operate three lines board or not ?
- (3) Whether an 'industrial dispute' exists between the said six Telephone Operators and the Management of the Bank of Baroda ?
- (4) Whether in view of Clause 25 of the Memorandum of settlement dated 8-9-1983 between the Indian Banks' Association, and the All India Bank Employees' Association, the said Bank is debarred from submitting to the demand of the said Telephone Operators ?
- (5) Whether under the Bipartite Agreement, the Telephone Operators who operate PBX Telephone Board with less than three external lines are not entitled to Telephone Operators' Allowance ?
- (6) Whether the action of the management of Bank of Baroda in relation to Maharashtra Zone, Bombay in not paying Telephone Operators' allowance to six blind Telephone Operators (S/Shri Mahadeo Gurao, Bhanu Prasad C. Joshi, J. V. Gulvane, G. S. Kaila, D. D. Dellia and Kum. L. Vaidyanathan) is justified ?
- (7) If not, to what relief they are entitled ?
- (8) What Award ?

8. My findings on the above said Issues are :—

1. Yes
2. Yes
3. Yes
4. No
5. Are entitled
6. No
7. As per award.
8. As per final award.

REASONS

ISSUE No. 3

6. In this case, four witnesses were examined on behalf of the Union. They filed their respective affidavits in this case, and the witnesses were cross-examined on behalf of the Bank management. Only one witness was examined on behalf of the Bank management, namely, Shri Alias Paul Martis, who filed his affidavit in support of the contentions of the Bank management, and he was also cross-examined on behalf of the Union. According to the Bank management, no industrial dispute as such exists between the Union and the Bank management. I find that it is not so. The term 'industrial dispute' has been defined under Section 2(k) of the Industrial Disputes Act, which reads thus :—

" 'industrial dispute' means any dispute or difference between employers and employees or between employers and workmen or between workmen and workmen, which is connected with the employment or non-employment or the terms of employment or with the conditions of labour, of any person".

In this present case, the six Blind Telephone Operators have claimed the Telephone Operators' allowance. According to the Bank management, these blind Telephone Operators are not entitled to it. According to the Bank management, as the settlement between the Bank employees and the Bank management dated 17-9-1984 is still in existence, and as per the provisions of the settlement para (i), Part I, Schedule III, Telephone Operators' allowance is payable if their work involves operating a Telephone P.B.X. Board with a minimum of three external lines on regular assignment. The six Blind Telephone Operators are not paid Telephone Operators' allowance as they are operating a PBX Board with less than three lines. Now in spite of the said provisions, the workmen are claiming the Telephone Operators' allowance. Therefore, the dispute exists between the workmen and management regarding terms of employment or conditions of service etc., Issue No. 3 is therefore found in the affirmative.

ISSUE NO. 1

7. I will firstly deal with the evidence on record of the witnesses examined in this case. The first witness is the Joint Secretary of the Union by name Shri Sadashiva Chanda Suvarna. He filed his affidavit (Ex. 4A) in support of the case of the Union. The second witness is Shri Damji Raoji Dadhia, a Blind Telephone Operator working in the Bank in question, who filed his affidavit at Ex. 6. He stated in his affidavit that the Telephone Operators working in the Nationalised Banks, such as, Central Bank of India, Punjab National Bank, Bank of India, Indian Overseas Bank, United Commercial Bank and Dena Bank are paid the necessary Telephone Operators' allowance even though they are operating PBX Board with less than three external lines. He has mentioned in his affidavit the names of different Telephone Operators working in those nationalised Banks. He further stated in his affidavit that there are ten Blind Telephone Operators in different branches of the Bank in question, i.e. Bank of Baroda, that the Telephone Operators' allowance is not being paid by the Bank to the six Blind Telephone Operators in question, but the necessary allowance is being paid to the other four Blind Telephone Operators. He further stated in his affidavit that in the Bank of Baroda's Meher Chamber premises a certain Telephone Operator is working, and he is being paid the necessary allowance even though the operates PBX Board with two lines only. It is seen from his cross-examination that the other four Blind Telephone Operators working in the Bank in question are operating PBX Board with more than three external lines.

8. The third witness is Shri Kashavji Ravji Dehia, who filed his affidavit at Ex. 10. It is seen from that he is working in some other Nationalised Bank, i.e., the Central Bank of India as a Telephone Operator, and that he is getting the Telephone Operators' allowance even though he operates PBX Board with less than three external lines. We produced his pay slip Ex. 11A showing that besides his regular pay and DA, etc., he is being paid the Special Allowance of Rs 50/- per month. The Fourth witness of the Union is Shri Neeraj Kailash Saxena, who filed his affidavit at Ex. 8. It is seen that he is also working in some Nationalised Bank,

i.e., Bank of India, and that even though he is operating PBX Board with less than three external lines, he is being paid Telephone Operator's allowance by that Bank. It is thus quite clear that the said seven Nationalised Banks are paying Telephone Operators' allowance to their Telephone Operators irrespective of the fact whether they operate PBX Board with three external lines or less than three external lines. All these facts are not disputed by the Bank management. However, according to them, merely because the other Nationalised Banks are paying the Telephone Operators' allowance to the Telephone Operators operating PBX Board with less than three external lines, the Bank in question cannot compelled, and is not under any obligation to pay such allowance to the Telephone Operators in their Bank. In my opinion, such a contention is not tenable in law and in facts. The Personnel Manager of the Bank of Baroda Shri Elias Paul Martin filed his affidavit (Ex. 12), in support of the case of the Bank management.

9. The appointment letters of the blind telephone operators at the Exs. 14 to 18. The first para. of the letter (Ex. 14) states that the workman Shri B. C. Joshi is appointed in the bank's service in the clerical grade as a Telephone Operator on the starting salary of Rs. 190/- per month plus D.A. and other allowances as permissible under the Second Bipartite Settlement. The wordings of the other appointment orders are the same. It may be noted that this appointment letter does not state that a particular Telephone Operator will be entitled to Telephone Operators' allowance only if only he operates PBX Board with more than three external lines. It only states that he will be paid other allowances as permissible under the Second Bipartite Settlement. Reliance is placed upon the provisions contained in clause (i), Part I of Appendix 'B' of the Bipartite Settlement dated 19-10-1966. It states that the work of Telephone Operators involves operating a Telephone PBX Board with a minimum of three external lines, on regular assignment. According to the Bank management, as the six blind Telephone Operators are operating the Telephone P.B.X. Board with less than three external lines, they are not entitled to the Telephone Operators' allowances. Now, it is not the case of either of the parties that the Telephone P.B.X. Board with more than three to operate the Telephone P.B.X. Board with more than three external lines. The Telephone Operators in question are operating P.B.X. Board with less than three lines and they never refused to operate the Telephone P.B.X. Board with more than three external lines. So the Bank management can make the necessary arrangement to see that these six blind Telephone Operators operate the Telephone P.B.X. Board with more than three external lines. They cannot be deprived of their allowance on the ground that they are operating P.B.X. Board with less than three lines. Clause 5.2 of the Bipartite Settlement dated 19-10-1966 states that the special allowance payable to workmen other than members of the subordinate staff, for duties/responsibilities as listed in Part I of Appendix B shall be at a particular rate. It is then seen that the Telephone Operators working in Class A, B and C Banks are to get the special allowance respectively of Rs. 8, and Rs. 6 as in 1966. This special allowance has been fixed for the workmen who discharge their duties as Telephone Operators. In the present case, the six workmen in question are working as Telephone Operators. As such they are also entitled to special allowance. Under clause 5.9 of this Bipartite settlement, the workman will be entitled to special allowance only so long as he is in charge of such work or the performance of such duties which attracts such allowance. It is true that clauses 5.9 and 5.2 of the Bipartite Settlement are to be read with para. (i) of Part I of Appendix 'B' of the settlement, which states that the work involves operating a Telephone P.B.X. Board with a minimum of three external lines, on regular assignment. Thus a Telephone Operator operating Telephone P.B.X. Board with a minimum of three external lines, on regular assignment, is to get Telephone Operator's allowance as per this clause. Therefore, according to the Bank management, as these six blind Telephone Operators in question are not operating Telephone P.B.X. Board with a minimum of three external lines, they are not entitled to claim the Telephone Operators' allowance. However, the further portion of clause 5.9 of the settlement is material and important. This clause 5.9 further states that "whether a workman can be asked to cease to do such work or discharge

such duties and consequently cease to draw such allowance, will depend upon the terms of his employment, that for instance a workman who is employed permanently as a Head Clerk or Stenographer cannot be deprived of his special allowance by asking him to work as an ordinary clerk or asking him not to work as a Head Clerk or Stenographer. Therefore, in the present case, when the workmen in question have been attending to their duties as Telephone Operators, they cannot be asked by the Bank management to operate a Telephone P.B.X. Board with less than three external lines. These workmen have never refused to operate a Telephone P.B.X. Board with three external lines. The work assigned to them is that they should operate a Telephone P.B.X. Board with less than three external lines. Therefore, the Bank management can make the necessary arrangement to see that these six workmen in question operate a Telephone P.B.X. with a minimum of three external lines and they are not deprived of their Telephone Operators' allowance. I, therefore, that under para. 5.2 read with para. 5.9 read with para. (i) of Part I of Appendix 'B' of the said settlement, the six blind Telephone Operators are entitled to Telephone Operators' allowance. Issue No. 1 is found in the affirmative.

ISSUE NO. 2

10. As noted above, the three witnesses of the Union viz., WW-2, 3 and 4 stated in their evidence that the other Nationalised Banks are paying Telephone Operators' Allowance to their Telephone Operators even though they are operating a Telephone P.B.X. Board with less than three external lines. This is also not disputed by the Bank management. Issue No. 2 is, therefore, found in the affirmative.

ISSUE NO. 4

11. According to the Bank management, in view of clause 25 of the settlement of the year 1983 they are barred from submitting to the demand of the six workmen in question for getting Telephone Operators' Allowance. Clause XXV of this settlement reads thus :—

- (1) This settlement shall, unless expressly provided otherwise in this Settlement, come into force with retrospective effect from 1st July 1983 and shall be binding on the parties for four years from 1st July 1983;
- (2) The terms and conditions hereof shall continue to govern and bind the parties even thereafter until the Settlement is terminated by either party giving to the other a statutory notice as prescribed in law for the time being in force."

Therefore, according to the Bank management, as this Settlement is still in force, and that as per the provisions contained in this Settlement, a Telephone Operator operating a Telephone P.B.X. Board with less than three external lines is not entitled to the Telephone Operators' allowance, the six Telephone Operators are not entitled in law to claim any Telephone Operators' allowance from the Bank. Now it is seen from the evidence on record that in the Bank's Meher Chamber premises, a certain Telephone Operator who operates a Telephone P.B.X. Board with two external lines only, is being paid the Telephone Operator's allowance. Therefore, by their conduct, the Bank has paid Telephone Operator's allowance in their Bank, to a Telephone Operator operating P.B.X. Board with less than three external lines. Further, as noted above, the workmen themselves have not refused to operate a Telephone P.B.X. Board with more than three external lines. The work assigned to them is to operate a Telephone P.B.X. Board with less than three external lines. Under the provisions of the Bipartite Settlement, a Telephone Operator as such is entitled to Telephone Operator's allowance. The other seven Nationalised Banks are also paying the Telephone Operator's allowance to their Telephone Operators operating a Telephone P.B.X. Board with less than three external lines. I, therefore, find that the provisions of clause XXV of the settlement of 1983 do not prevent the Bank Management from paying the Telephone Operators' allowance to their Telephone Operators in question. Issue No. 4 is found in the negative.

ISSUE NO. 5

12. As noted above, the Telephone Operators operating a Telephone P.B.X. Board with less than three external lines

are not prevented from claiming any Telephone Operators' allowance. As such the Telephone Operators are entitled to claim Telephone Operators' allowance under the provisions of the Bipartite Settlement, even though they are operating a Telephone P.B.X. Board with less than three external lines. Issue No. 5 is found accordingly.

ISSUES NOS. 6 and 7

13. In the result, I find that the action of the management of Bank of Baroda in not paying Telephone Operators' allowance to the six Blind Telephone Operators is not just and proper. Issue No. 6 is found in the negative.

14. They are, therefore, entitled to get the necessary Telephone Operators' allowance from the Bank from the dates of their appointment as Telephone Operators. Issue No. 7 is found accordingly.

ISSUE NO. 8

15. Hence, the following award is passed.

AWARD

The action of the management of Bank of Baroda in relation to Maharashtra Zone, Bombay, in not paying Telephone Operators' allowance to six Blind Telephone Operators in question is not just and proper.

(ii) The Bank of Baroda management is hereby directed to pay the necessary Telephone Operators' allowance to the said six Telephone Operators due from the dates of their appointments as Telephone Operators, within two months from the date of publication of this Award.

(iii) The parties to bear their own costs of the present reference.

P. D. APSHANKAR, Presid'ng Officer
[No. L-12011/77/85-D.II(A)]

नई दिल्ली, 5 फरवरी, 1990

का.आ. 609.—आंशोगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार देना बैंक के प्रबंधतंत्र के संबंध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट आंशोगिक विवाद में आंशोगिक अधिकरण, हैदराबाद के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को प्राप्त हुआ था।

New Delhi, the 5th February, 1990

S. O. 609.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal Hyderabad as shown in the Annexure in the industrial dispute between the employers in relation to the Dena Bank and their workmen, which was received by the Central Government.

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL AT HYDERABAD

PRESENT :

Sri C. Rami Reddy, B.Sc., B.L., Industrial Tribunal.

Dated the 3rd January, 1990

Industrial Dispute No. 68 of 1988

BETWEEN

The Workman of Dena Bank, Bank Street, Hyderabad.
AND

The Management of Dena Bank, Bank Street, Hyderabad.

APPEARANCES :

Sri Zahooruddin, General Secretary, Dena Bank Staff Union—for the Workman.

Sarvashri B. K. Seshu and M. Narahari, Advocates—for the Management.

AWARD

The Government of India, Ministry of Labour by its Order No. L-12011/145/87-D.II (A) dated 18th July, 1988 referred the following dispute under Section 10(1)(d) and (2A) of the Industrial Disputes Act, 1947 between the employer in relation to the management of Dena Bank and their workmen to this Tribunal for adjudication :

"Whether the demand of the Dena Bank Staff Union for advancing the date of payment of advance ledger posting machine's allowance to the workmen, who are identified to operate the machines at the Bank Street and MG Road Branch Secunderabad whose names are enlisted in the annexure is fair and justified. If so, what should be the date from which the said allowance be paid?"

This reference registered as Industrial Dispute No. 68 of 1988 and notices were issued to the parties.

2. The case was posted from time to time from 27-8-1988 for filing claim statement and counter. Finally on 3-1-1990 the parties have filed Joint Memo dated 3-1-1990 and submitted that they have reached the compromise to settle the dispute and accordingly they have filed the settlements. Both parties admitted the terms of settlement and the settlement was recorded.

An award is passed in terms of the Settlement and copy of the Settlement is herewith enclosed.

Dictated to the Stenographer, transcribed by him, corrected by me and given under my hand and the seal of this Tribunal, this the 3rd day of January, 1990.

C. RAMI REDDY, Industrial Tribunal
[No. L-12011/145/87-D.II (A)]

Appendix of Evidence

NIL

BEFORE THE INDUSTRIAL TRIBUNAL AT HYDERABAD

Industrial Dispute No. 68 of 1988
BETWEEN

Dena Bank Staff Union represented by General Secretary
—Workmen

AND

Dena Bank Management represented by Senior Branch Manager, Bank Street, Hyderabad —Management

MEMO FILED BY BOTH PARTIES

It is submitted that both parties agreed to settle the above dispute in the following terms :—

"That the management will pay for only one month Advance Ledger Posting Machine Allowance of Rs. 350 to each of the ten operators working at Bank Street and MG Road, Secunderabad branches whose names are enlisted in the annexure of the Schedule Government of India, Ministry of Labour order No. L-12011/145/87, dated 18th July, 1988. This is full and final settlement against the claim under the I.D. 68 of 1988, and the Union hereby withdraws its claim and agrees not to raise any dispute in future, in this regard."

We, therefore, pray the Honourable Court to pass the Award in terms of the settlement.

Representing Management : Representing Workmen
 Sd/- Sd/-
 (M. V. SWAMY) (ZUHURUDDIN)
 Senior Branch Manager, General Secretary
 Dena Bank, Bank Street, Dena Bank Staff Union, AP
 Hyd.

Witness : Witness :
 Sd/- Sd/-
 (J. K. P. VORA) (K. V. MURALIDHAR RAO)
 Branch Manager, Dena Ban Committee Member;
 M.G. Road, Sec'bad. Dena Bank Staff Union, A.P.

Hyderabad
 Dated : 2-1-1990.

का.प्रा. 610—औद्योगिक विवाद अधिनियम, 1947
 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार श्री बनारसी सिंह द्वारा इलाहाबाद बैंक के प्रबन्धतंत्र के बिलाक उक्त अधिनियम की धारा 33के अधीन दायर की गई शिकायत संबंध में, अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण, कलकत्ता को पंचाट जैसे कि अनुबंध में है, प्रकाशित करता है। यह पंचाट केन्द्रीय सरकार को प्राप्त हुआ था।

S.O. 610.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947) the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Calcutta as shown in the Annexure in respect of complain under Section 33-A of the Act filed by Shri Banarsi Singh of Allahabad Bank against the management of Allahabad Bank which was received by the Central Government.

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT CALCUTTA:

Misc. Application No. 10 of 1986
 Under Section 33-A of the I. D. Act
 (Arising out of Reference No. 24 of 1985)

PARTIES :

Banarsi Singh, Workman, Allahabad Bank 14, India Exchange Place: Calcutta-1 . . . Applicant

Vs.

The Chief Manager, Allahabad Bank, 14, India Exchange Place, Calcutta-1 . . . Opp. Party

APPEARANCES :

On behalf of Applicant—Mr. A. Singh, General Secretary of the All India Allahabad Bank Employees' Congress.

On behalf of Opp. Party—Mr. M. Subramanyam, Law Officer of the Bank.

STATE : West Bengal

INDUSTRY : Banking

AWARD

This is an application under section 33-A of the Industrial Disputes Act, 1947 (hereinafter referred to as the Act) filed by one Banarsi Singh.

2. When the case is called out today for hearing the maintainability of the application itself, Mr. A. Singh, General Secretary of the All India Allahabad Bank Employees' Congress appears for the Applicant and Mr. M. Subramanyam, Law Officer of the Bank appears for the Opp. Party. Mr. Singh for the applicant submits that the applicant is not interested to proceed with the present application under section 33-A of the Act and he makes an endorsement to that effect on the margin of the original application. Mr. Subramanyam appearing for the Opp. Party has no objection in this regard.

3. Considered the submission of the parties with reference to the aforesaid endorsement on the application. The application under section 33-A of the Act is accordingly disposed of as not pressed.

This is my Award.

Dated, Calcutta,

The 5th January, 1990.

SUKUMAR CHAKRAVARTY, Presiding Officer
 [No. L-12025/10/83-D.U (A)]

नई दिल्ली, 6 फरवरी, 1990

का.प्रा. 611—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार पंजाब नेशनल बैंक के प्रबन्धतंत्र के संबंध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, चंडीगढ़ के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को प्राप्त हुआ था।

New Delhi, the 6th February, 1990

S.O. 611.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Chandigarh as shown in the Annexure in the Industrial dispute between the employers in relation to the Punjab National Bank and their workmen, which was received by the Central Government.

ANNEXURE

BEFORE SHRI M. S. NAGRA, PRESIDING OFFICER,
 CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-
 LABOUR COURT, CHANDIGARH

Case No. I.D. 76/87

PARTIES :

Employers in relation to the management of Punjab National Bank.

AND

Their workman—Shri O. P. Sikriwal.

APPEARANCES :

For the workman—Shri C. P. Sapra.

For the management—Shri P. P. Khorana.

AWARD

Dated : 29-9-1989

On a dispute raised by the workman against the management of Punjab National Bank, Central Government had vide No. L-12012/98/II/86-DIV(A) dated 1st September, 1987 referred the following dispute to this Tribunal for adjudication :

"Whether the action of the Punjab National Bank, Regional Office, Rohtak in dismissing from service Shri Om Parkash Sikriwal, clerk-cum-cashier at their branch Rewari w.e.f. 10-9-1982 is justified? If not, to what relief is the workman concerned entitled?"

2. Case of the workman as set out in the statement of claim is that he was a permanent employee of the Resptd. bank from 1-6-1978 to 15-9-1982. The management of the Rewari Branch of the bank involved the petitioner in a false case as result of which he was suspended and served with a charge sheet on 13-5-1982. The inquiry conducted against the petitioner was bad in the eyes of law as inquiry officer was completely partial and did not afford reasonable and proper opportunity to the applicant to defend his case. He submits that punishment of dismissal inflicted is

harsh and discriminatory. He seeks his re-instatement with full back wages.

3. In its answer filed, the management took plea that workmen was served with detailed charge-sheet on 13-5-1982 with allegations that he had forged vouchers for Rs. 1970 favouring Shri S. S. Yadav in the account No. 12108 and also authenticated them as passing official. He withdrew the said amount from the said account and thereafter destroyed the aforesaid vouchers. Moreover workman had manhandled and misbehaved with Shri Roshan Lal Dasi. In the departmental inquiry, the workman was afforded full opportunity to put forth his defence. He participated in the inquiry proceedings through out and inquiry officer gave findings that all charges contained in the charge sheet dated 13-5-1982 were proved against the workman. The disciplinary authority confirmed the proposed punishment of dismissal vide its order dated 10-9-1982. The appellate authority after giving personal hearing on 9-12-1982 rejected the appeal.

4. Parties were afforded opportunity to lead evidence. Workman filed affidavit Ex. W1 reiterating the allegations made in the statement of claim. During his cross-examination he admitted that confessional statement copy of which is Ex. M6 is in his hand and signed by him. He also admitted that he had deposited the disputed amount of Rs. 1950 vide vouchers dated 5-5-1982 copy of which is Ex. M7 accompanied by the letter Ex. M8. He also admitted that the inquiry proceedings copy of which is Ex. M10 bears his signatures. He further admitted that he had received notice copy of which is Ex. M11 of the proposed punishment and had submitted his reply.

In view of the death of the petitioner during trial of the reference proceedings, the management did not prefer to lead any evidence in rebuttal.

No doubt the claim of the petitioner for re-instatement in service has become infructuous, but prayer for back wages can certainly be appreciated. Evidence on the file shows that he was duly served with chargesheet for falsifications and destruction of Bank's record and that he had throughout associated himself with the inquiry proceedings. He was given reasonable and proper opportunity to defend himself. He had himself made confessional statement copy of which is Ex. M6 admitting in clear terms that he had forged signatures of Sabe Singh on the debit voucher and thereafter he had himself passed the payment. He also admitted to have re-deposited the amount. Departmental inquiry held by the Despdt. Bank does not suffer from any legal infirmity.

The reference is therefore, returned with the findings that action of the management of Punjab National Bank Regional Office Rohtak in dismissing from service Shri O. P. Sikriwal, Clerk-cum-Cashier at their Rewari Branch with effect from 10-9-1989 is justified and workman is not entitled to any relief.

Chandigarh,
29-9-1989.

M. S. NAGRA, Presiding Officer
[No. L-12012/98/II/86-D.IV(A)]
V. K. VENUGOPALAN, Desk Officer

नई दिल्ली, 31 जनवरी, 1990

का. आ. 612.—उत्प्रवास अधिनियम 1983 (1983 का 31) की धारा 5 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार श्रम मंत्रालय में अवर सचिव श्री इन्द्र सिंह को दिनांक 22-1-90 तथा 24-1-90 को उत्प्रवासी संरक्षी, दिल्ली के सभी कार्यों को करने के लिए प्राधिकृत करती है।

[गं. ए-22012(1)/90-उत्प्र.]

New Delhi, the 31st January, 1990

S.O. 612.—In exercise of the powers conferred by Section 5 of the Emigration Act, 1983 (31 of 1983), the Central Government hereby authorises Shri Inder Singh, Under Secretary, Ministry of Labour, New Delhi to perform all functions of Protector of Emigrants, Delhi in the office of Protector of Emigrants, Delhi from 22-1-90 to 24-1-90.

[No. A-22012(1)/90-Emig.]

का. आ. 613.—उत्प्रवास अधिनियम, 1983 (1983 का 31) की धारा 5 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार श्रम मंत्रालय में अवर सचिव श्री शिगरा सिंह को दिनांक 25-1-90 से दिनांक 16-2-90 तक उत्प्रवासी संरक्षी, दिल्ली के सभी कार्यों को करने के लिए प्राधिकृत करती है।

[गं. ए-22012(1)/90-उत्प.]
प्रदीप सिंह, अवर सचिव

S.O. 613.—In exercise of the powers conferred by Section 5 of the Emigration Act, 1983 (31 of 1983), the Central Government hereby authorised Shri Shigara Singh, Under Secretary, Ministry of Labour, New Delhi to perform all functions of Protector of Emigrants, Delhi in the office of Protector of Emigrants, Delhi from 25-1-90 to 16-2-90.

[No. A-22012(1)/90-Emig.]
PRADEEP SINGH, Under Secy.

नई दिल्ली, 14 फरवरी, 1990

का. आ. 614.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मैसेस सदरन बोर्ड मण्डल प्रा. लि. निलेस्वरम के प्रबन्धताल के सम्बद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में श्रम न्यायालय, वानानोर, के पंचायत को प्रकाशित करती है, जो केन्द्रीय सरकार को 12-2-1990 को प्राप्त हुआ था।

New Delhi, the 14th February, 1990

S.O. 614.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Labour Court, Cannanore, as shown in the Annexure, in the industrial dispute between the employers in relation to the management of M/s. Southern Clays and Minerals Pvt. Ltd. Neelaswaram, and their workmen, which was received by the Central Government on 12-2-1990.

ANNEXURE

IN THE LABOUR COURT, CANNANORE

(Friday the 2nd February, 1990)

PRESENT :

Sri A. Dennison, B.Sc. M.L., Presiding Officer,
Industrial Dispute No. 37/89

BETWEEN

The Managing Director,
M/s. Southern Clays and Minerals
Private Limited,
P.O. Nileswar-670314.

Management.

AND

Sri P. Kunhikannan (Former Watchman),
M/s. Southern Clays and Minerals
Private Limited, Near Poyyikkara
Gate, Pallikkara, Nileswar,
Kasaragod

Workman.

REPRESENTATIONS :

Sri E. Ebrahim Kutty, Advocate, Cannanore—For workman.

Sri K. K. Balaram, Advocate, Cannanore—For Management.

AWARD

This Industrial Dispute relating to the dismissal of Sri P. Kunhikannan, Watchman, Southern Clays and Minerals (Private) Limited from Service with effect from 1-8-1986 was referred to this Court for adjudication by the Government of India as per order No. L-29012/37/87-D-III(B) dated 3-11-1987.

2. The Workman filed statement contending that he had been in continuous service of the Management as an employee from 15-11-72. He was given show cause notice dated 27-5-86 alleging certain acts of misconducts and called upon him to furnish explanation. The allegation is that on 9-5-86 after 11 P.M. while he was on duty he spared time till 12 P.M. with one Shanta in a shed belonging to the Factory. Further charge against him was that on 18-5-86 while he was on duty, he opened the store room of the factory he took few baskets and spades, and handed them to the Workers' Bhama and Thampai. On the same day he opened another shed and seized a basket and handed over it another worker Shantha. The Workman denied the allegations in his reply on 31-5-86 but the Management declined to furnish copies of complaints filed by P. K. Balan and Bharathan on the above charges despite requests. Thereafter the Management has conducted a farce of domestic enquiry in violation of the principles of natural justice fair play and established procedures of a domestic enquiry. The disciplinary proceedings is vitiated by fraud and illegalities. The workman was not given opportunity to get himself examined and his witnesses. The procedure adopted by the enquiry officer was wrong, improper and illegal. No reasons have been given by the Enquiry Officer for his conclusions. In fact no charge was proved against the Workman. At the time of terminating his service the workman was drawing salary at Rs. 405 per month. He is entitled to be reinstated with back wages and other benefits.

3. In the re-joinder statement the Management has stated that action was initiated against the workman on the complaint filed by P. K. Balan and K. Bharathan, Workmen of the establishment. Show cause notice was issued to the workman calling upon him to show cause for not taking action against him for the acts of misconduct, dereliction of duty and indiscipline referred to in the above paragraph. The reply of the workman was found to be unsatisfactory and hence a domestic enquiry was conducted. An Engineer of the establishment was appointed as the Enquiry Officer and the workman was informed accordingly. The Enquiry Officer has found that the charges levelled against the employee are true on the strength of the evidence recorded by him. Since the charges proved are serious the employee was dismissed from service on 1-8-1986. The enquiry conducted is perfectly fair and it fully conforms to the principles of natural justice. The employee was given full and fair opportunity to defend himself. He was given ample opportunity to defend himself. The employee was dismissed from service for misconduct, dereliction of duty and indiscipline proved to have been done by him. He was suspended on an earlier occasion for 2 days on 21-3-85 for proved charges of preventing the Maistry from doing his duty, for causing damage to the telephone etc. On 20-5-86 punishment of warning was given to the employee after enquiry for threatening another workman. Thus by repeated grave misconduct the Management has lost confidence in him and hence severe punishment was awarded to him. So the workman is not entitled to be re-instated in service with back wages and other benefits.

4. The points for consideration are the following—

(a) Whether the employee is guilty of misconduct of dereliction of duty and discipline as alleged by the management?

(b) If so, is the punishment awarded is extremely harsh and disproportionate?

(c) Whether the workman is entitled to be re-instated with back wages and other benefits?

5. On behalf of the Management MW1 was examined and Exts. X1 and X1(a) were marked. The workman has not adduced any evidence either oral or documentary.

6. MW1 is the Enquiry Officer in this case. He would say that he conducted enquiry on the charges levelled against the workman as he was appointed as the Enquiry Officer. Ext. X1 is the enquiry file. The workman was given show cause notice earlier. MW1 would say that he informed the employee about the date and time of enquiry. Two adjournments were given to the employee on his request. The workman was present at the time of examination of the Management's witnesses. The witnesses were cross examined by the workman. Workman's witnesses were also examined. The workman was assisted by a co-worker. He would further say that he conducted the enquiry impartially that he arrived at a conclusion on the basis of evidence available on record only. After completing the enquiry he submitted report to the Management.

7. The workman contended that the domestic enquiry conducted by the Management is vitiated by fraud and illegalities. It is argued that the Enquiry Officer conducted a farce of an enquiry in violation of the principles of natural justice, fair play, and established procedure of a domestic enquiry. But the Management would argue that the domestic enquiry held is perfectly fair and it fully conforms to the principles of natural justice. The employee was given full and fair opportunity to defend himself. He fully participated in the enquiry and cross-examined the witnesses of the Management.

8. It is argued on behalf of the Management that principles of natural justice has been fairly complied with while conducting domestic enquiry by the Enquiry Officer. The Enquiry Officer was absolutely unbiased. He made an honest attempt to determine whether the charge levelled against the employee is true or not. The employee was given show cause notice, proper charge was framed and his explanation was also obtained. During enquiry proceedings evidence was recorded in the presence of delinquent employees. Ample opportunity was given to cross examine the Management witnesses. The employee himself was examined. Chance was given to examine defence witnesses. Though the request of the employee to engage an Advocate to represent him in the enquiry proceedings was not allowed a co-worker assisted him throughout. Personal knowledge of that Enquiry Officer was not imported in reaching any conclusion. The learned counsel further contended that the Enquiry is fair, proper and valid.

The employee's counsel argued that the domestic enquiry proceedings is against the principles of natural justice. Procedure followed is totally improper. The delinquent employee was not chief examined but he was questioned straight away by the Enquiry Officer. MW1 denoted that all the witnesses examined on the side of the Management were present together at the time of the enquiry proceedings. The Enquiry Officer has not given reasons for his conclusions. Reasons for his findings should have been stated in the Enquiry Report itself. So it cannot be said that the conclusion is proper. He further contended that the employer should first lead his evidence by producing his witnesses and only subsequently should the workman be called upon to produce his witnesses. Here the employee was questioned first by the Enquiry Officer so the enquiry is vitiated. This argument cannot be accepted because indeed the employer's witnesses have been examined first. But certain questions have been asked by the Enquiry Officer to the employee and that will not prejudice the employee in any way. The principle to be complied with has been substantially followed by the Enquiry Officer.

9. Ext. X1 enquiry file would show that all the witnesses examined on behalf of the Management have been cross-examined by the employee extensively and efficiently. The employee would contend that he was not given the copies of complaints filed by Balan and Bharathan who are examined by the Enquiry Officer. Ext. X1(a) is the letter of the employee addressed to the Enquiry Officer on 8-6-86 asking for the supply of copy of complaints. True, the delinquent employee is entitled to get copy of complaint. The Manage-

ment has a definite case that copy of complaints has been furnished, but no acknowledgement obtained. But in this case non-supply of copy of complaint has no consequence because the employee is fully conversant with all details of complaint that is evident from the lengthy cross-examination conducted by the employee touching all aspects. Complaints were fully read over to the employee. The employee was assisted by another co-worker. So legal assistance to the employee by an Advocate is not essential in this case. There is definite finding on the two charges levelled against the employee by the Enquiry Officer. But he has not stated in detail about the reasons on which he has reached at such a conclusion. He has stated that the charges stand proved by the testimony of the witnesses examined. It is pertinent to note that the Enquiry Officer is not a legally trained person. So the argument of the Management that the Enquiry Officer was not willful in failing to give reasons in detail for his findings is not out of place. The delinquent Officer was not permitted to state his case in Chief is one of the contentions raised by the employee's counsel. The enquiry file does not disclose chief examination of the employee as such. But he has stated his case while cross-examining the witnesses at various places. So failure to record a complete chief exam will not prejudice the employee in any way. MWI has stated that opportunity was given to the employee to examine his witnesses also. MWI was an employee of the Management, but that fact will not disqualify him from conducting the domestic enquiry since Ext. XI would show that he was unbiased. Therefore the domestic enquiry conducted is found to be valid, legal and proper. It is proved that the employee is guilty of misconduct of dereliction of duty and indiscipline.

10. The next point to be considered is whether the punishment awarded is extremely harsh or disproportionate. The Management further contended that the watchman was holding a post of confidence. The Management has lost the confidence reposed on him in view of the charges proved. Loss of confidence is a good ground for dismissal if it is not under the cover of victimisation. Extreme punishment was imposed considering two previous convictions. So he cannot be re-instated. The opinion of the Management is based upon valid material and having due regard to the nature and duties of the employee. The workman would reply that even if the charge is proved there is no evidence to prove that he failed to perform his duties as watchman. There is no loss of confidence reposed on him. So he is entitled to be re-instated in service.

11. The charges proved against the employee that he is guilty of misconduct of dereliction of duty and indiscipline. The punishment of dismissal awarded seems to me disproportionate. The argument of the Management that confidence on the workman has been lost in view of nature of duties of the workman and the same is based on concrete ground cannot be ruled out. There is much force in the argument advanced by the Management especially when considering his previous convictions. There is no reason for not accepting the argument of the Management on previous convictions. It is important to note that the workman refused to go to the witness box to deny previous conviction. So an order of re-instatement cannot be passed in this case. But in interest of justice I am inclined to convert the order of dismissal into one of discharge. The workman is entitled to get all the benefits as if he had been discharged from service. Consequently I hold that the punishment imposed is disproportionate to the misconduct. On the face of grave indiscipline and previous conviction the employee is not entitled to be reinstated in service with back wages. The altered punishment imposed by this Court should not amount to absorbing the employee of the misconduct or make the punishment illusory. In these circumstances I think it would be reasonable to set aside the order of dismissal and instead discharge him from service finding that he will be entitled to get all the benefits as if he had been discharged from service.

In the result an award is passed holding that the workman is guilty of misconduct of dereliction of duty and indiscipline but as the punishment imposed is disproportionate to misconduct proved the punishment is reduced from dismissal to one of discharge and he will be entitled to get all benefits as if he had been discharged from service.

Dictated to the Confidential Assistant, transcribed by her, revised corrected and pronounced by me on the 2nd day of February, 1990.

Cannanore,
2-2-1990.

A. DENNISON, Presiding Officer
[No. L-29012/37/87-D.III(B)]
S. VENUGOPALAN, Desk Officer

APPENDIX

(I.D. 37/89)

Witness Examined on the side of the Management :

MWI : Sri V. Govindan,

Witness Examined on the side of the Workman : NIL.

Exhibits marked on the side of the Management :

Ext. XI : Enquiry report.

Ext. XI(a) : Letter dated 8-6-1986 by Sri P. Kunhikanan to Sri V. Govindan, Domestic Enquiry Officer.

Exhibits marked on the side of the Workman : NIL.
Cannanore,

8-2-1990.

नई दिल्ली, 21 फरवरी, 1990

का. आ. 615.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसार में केन्द्रीय सरकार मैसर्स बलाइलाल मुखर्जी प्रृष्ठ का. प्रा. लि. के प्रबन्धतंत्र के मम्बद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकारण, उड़ीसा, भुवनेश्वर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 13-2-1990 को प्राप्त हुआ था।
संख्या प्रा.—38012/2/85-इ 4(ए)/इ 3(बी) (पार्टफाइल)

New Delhi, the 21st February, 1990

S.O. 615.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Orissa, Bhubaneswar, as shown in the Annexure, in the industrial dispute between the employers in relation to the management of M/s. Balailal Mukherjee and Co. Pvt. Ltd. and their workmen which was received by the Central Government on 13-2-1990.

ANNEXURE

INDUSTRIAL TRIBUNAL, ORISSA, BHUBANESWAR
CAMP AT PARADIP

PRESENT :

Shri S. K. Misra, LL.B., Presiding Officer, Industrial Tribunal, Orissa, Bhubaneswar.

Industrial Dispute Case No. 10 of 1989 (Central)
Dated, the 25th January, 1990

BETWEEN

The Management of M/s. Balailal Mukherjee and Co.
Pvt. Ltd., Paradip —First Party Management

AND

Their workman, namely Shri Bishnu Charan Barik
represented through Utkal Port and Dock Workers'
Union. —Second Party-workman

APPEARANCES :

Sri S. N. Ghosh, Manager—For the First Party-Management.

Sri P. K. Samantray, President of the Union—For the Second Party-workman.

AWARD

The Government of India in the Ministry of Labour, in exercise of the powers conferred upon them by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), have referred the following dispute for adjudication by this Tribunal.—

"Whether the demand of the Utkal Port and Dock Workers' Union (INTUC), Paradip for reinstatement of Sri B. C. Barik, Ex-Telex Operator by the management of M/s. Balailal Mukherjee and Co. Pvt. Ltd., Paradip is justified ? If so, what relief is the workman entitled to ?"

2. This case was posted to-day for hearing. A petition is filed containing terms of settlement arrived at between the parties out of court with a Prayer for disposal of this reference in terms of the settlement. To this effect a separate petition jointly signed by the workman and by the representative of the Management is also filed. The second party-workman and the representative of the First Party-Management submitted that they have settled the dispute out of court in the interest of industrial peace and harmony and prayed to pass an Award in terms of the settlement. The terms of the settlement are readover and explained to the parties who admit the contents thereof to be true and correct. In the circumstances, the settlement, which seems to be fair is recorded. Hence, I pass this Award in terms of the settlement. The petition containing the terms of the settlement do form part of the Award.

S. K. MISRA, Presiding Officer
[No. 1-38012/2/85-D.IV(A)/D.III (B)] Pt. File

BEFORE THE PRESIDING OFFICER, INDUSTRIAL TRIBUNAL, ORISSA, BHUBANESWAR

In the matter of :

Industrial Disputes Case No. 10/89 (C)

BETWEEN

Messrs Balailal Mookerjee and Co. (P) Ltd. Paradip
—First Party.

AND

Sri B. C. Barik workman Represented by the Utkal Port and Dock Workers Union, Paradip—Second Party.

The humble joint petition of compromise of Messrs Balailal Mookerjee and Co. (P) Limited and the Utkal Port and Dock Workers Union, Paradip, representing the workman Sri B. C. Barik, the petitioners above named most respectfully :

SHEWETH :

1. That the above industrial dispute case is fixed on 25th January, 1990, for settlement.

2. That the parties in dispute, namely, Messrs Balailal Mookerjee and Co. (P) Ltd. and the Utkal Port and Dock Workers Union, Paradip, represented by its President have since negotiated for an amicable settlement out of court between themselves.

3. That the terms of settlement as arrived at after negotiations between the parties in dispute are set out below :

TERMS OF SETTLEMENT

- That the Union has since pleaded for reinstatement of Workman Sri Bishnu Charan Barik in the company, the Company only agreed to consider the case sympathetically. It is therefore agreed by both the parties that Sri Bishnu Charan Barik will be given re-appointment by the Company at their Haldia Office at present since there is no necessity of workman at Paradip Office. Since it is transferable job company having liberty to transfer him at any of their branch office as per company's requirement. It is also further agreed that the day Sri Bishnu Charan Barik joins at Haldia Office after 15th of February, 1990, his service will be counted from the date of joining.

(ii) That, the workman and the union has agreed not to press the dispute referred to the Humble Presiding Officer in this context.

(iii) That, the union pleaded for some financial assistance as an aid to the workman, the Company has agreed for Rs. 1,000 (Rupees one thousand only) as a good gesture granting amount by way of ex gratia payment to the workman. Also hereby agrees to pay the same amount to the workman upon acceptance of the settlement petition by the Learned Tribunal.

(iv) That, it is also agreed that the workman in question will be paid monthly salary after his joining at the scale of pay as applicable to his Class IV grade in the Company.

4. That the petitioners herein being the parties in dispute have accepted the above terms of settlement and are submitting this compromise petition jointly before your honour for approval and passing of award on the basis thereof.

In the premises the petitioners herein pray to your Honour for accepting this compromise petition of the terms of settlement set out hereinabove and to pass an award accordingly and to issue such other order or orders as your Honour may deem fit and proper.

And for this your petitioners as in duty bound shall ever pray.

Dated : 24th January, 1990.

For Balailal Mookerjee and Co.
Private Limited.

(S. N. GHOSH)
Manager.

36, Madhuban Market, Complex,
Paradip Port.

(Sri Bishnu Charan Barik)
Workman.

At/P.O. Nandan
Via Kaduaapada
P. S. Torilola

Dist. Cuttack (Orissa).

Utkal Port and Dock Workers
Union, Paradip.
(P. K. Samantray)
President.

का. आ. 616.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मुन्दरगढ़ माइनिंग लेवर कान्ट्रेक्ट कोआप-रेटिंग सोसाइटी लि., पूरनापानी के प्रबन्धतंत्र के सम्बद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण, उड़ीसा, भुवनेश्वर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 13-2-1990 को प्राप्त हुआ था।

S.O. 616.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Industrial Tribunal, Orissa, Bhubaneswar as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Sundergarh Mining Labour Contract Cooperative Society Ltd. Purunapani, and their workmen, which was received by the Central Government on 13-12-1990.

ANNEXURE

INDUSTRIAL TRIBUNAL, ORISSA, BHUBANESWAR
PRESFNT :

Shri S. K. Misra, I.L.B., Presiding Officer Industrial Tribunal, Orissa, Bhubaneswar.

Industrial Dispute Case No. 3 of 1980 (Central)

Bhubaneswar, the 19th January, 1990

BETWEEN

The employers in relation to the management of Sundergarh Mining Labour Contract Co-operative Society Ltd., Contractors at Purunapani Limestone and Dolomite Quarry of Rourkela Steel Plant of Steel Authority of India Ltd., Purunapani —First Party-Management.

AND

Their workmen represented through North Orissa Workers' Union, Rourkela —Second Party-workmen.

APPEARANCES :

Sri James Barla, Secretary Sundergarh Mining Labour Contract Co-operative Society, Ltd.—For the First Party-Management.

Sri B. S. Pati, General Secretary, North Orissa Workers' Union, Rourkela—For the Second Party-workmen.

AWARD

The Government of India in the Ministry of Labour, in exercise of the powers conferred upon them by Section 7-A and clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947) and by their Order No. L-29011(28)/78-D.III (B) dated 15-5-1980 have referred the following dispute for adjudication by this Tribunal :—

"Whether the suspension/refusal of employment to 189 workers as mentioned below of Sundergarh Mining Labour Contract Co-operative Society Limited without paying any subsistence allowance with effect from 8-1-72 is justified ? If not, what relief they are entitled to ?"

List of workers

1	2	3
1. Sri Benudhar Dash S/o Mardgal Dash	Qry. Supervisor.	
2. Sri Charwa Oram S/o Champa Oram	Miner	
3. Sri Martin Barla S/o Baribas Barla	Jack-H Operator.	
4. Sri Clement Xess S/o Peulus Xess	Qry. Supervisor.	
5. Sri Ambnus Lugun S/o Martin Lugun	Miner	
6. Shri Bhagirathi Goala S/o Budhu Goala	Jack-H Helper.	
7. Sri Sombra Tingga S/o Borge Tingga	Jack-H	
8. Sri Gajendra Singh S/o Basti Singh	Qry. Supervisor	
9. Sri Phirdus Kujur S/o Siril Kujur	Chief Supervisor	
10. Smt. Phulta Dash W/o Benudhar Dash	Miner	
11. Smt. Scmbari W/o Gajendra Singh	Miner	
12. Sri K.R. Haldar S/o K. Haldar	Time-Keeper	

1	2	3
13. Sri Mansasi Kujur S/o Suleman Kujur	Blasting Supervisor	
14. Sri Joseph Munda S/o Soma Munda	Jack-H Operator	
15. Sri K. Thankapan S/o Kelan.	Store-Keeper	
16. Smt. Somari D/o Dekhia Oram	T.R.W.	
17. Sri Surendra S/o Madam	T.R.W.	
18. Sri Premukh S/o Mangal	T.R.W.	
19. Smt. Marriyam W/o Joseph	T.R.W.	
20. Sri Suklal S/o Sundersan	Miner	
21. Sri Jemes Minz S/o Masidas	Coup- Operator	
22. Smt. Balmoi D/o Chirnath	Miner	
23. Smt. Sambari D/o Gandra	Miner	
24. Smt. Belamrina D/o Bhagirathi Gowala	Miner	
25. Sri Budhu S/o Gandra	Miner	
26. Sri Modan Lujhar S/o Bhagirathi Gewala	Miner	
27. Sri Sukra S/o Bhagirathi Gowala	Miner	
28. Smt. Nanki W/o Bhagirathi Gowala.	T.R.W.	
29. Smt. Somari D/o Sekhu	T.R.W.	
30. Sri Phulsingh S/o Soma.	Miner	
31. Sri Jemes S/o Megho	Miner	
32. Sri Sukra S/o Lukru	Miner	
33. Smt. Mangri D/o Lurku	Miner	
34. Sri Junash S/o Paulush	Miner	
35. Smt. Agnesh D/o Chambra	Miner	
36. Smt. Jauri D/o Sukra	Miner	

1	2	3	1	2	3
37.	Smt. Salmi D/o Ilarash	Miner	60.	Sri Dhaniram S/o Soda:hib	T.R.W.
38.	Smt. Susani D/o Rephel.	-do-	61.	Sri Ninish S/o Patras	Miner
39.	Smt. Salmi D/o Barna	-do-	62.	Srimai Marriyum D/o Silash	-do-
40.	Smt. Rahil D/o Sema	-do-	63.	Smt. Berjenia D/o Nuas	-do-
41.	Smt. Julins D/o Sagu	-do-	64.	Smt. Bariyam D/ofJabris	-do-
42.	Smt. Rahil D/o Banial	-do-	65.	Smt. Telani D/o Budhur	-do-
43.	Smt. Jehani D/o Wondo	-do-	66.	Smt. Alisor D/o Thomas	-do-
44.	Juakim Bailla S/o Kushal	Jack-H Operator	67.	Smt. Beranikar D/o Patras	-do-
45.	Sri Lajhar S/o Antoni	Jack-H Operator	68.	Smt. Alfär Nicodin	Hand Role Driller
46.	Sri Junish S/o Paulush	Miner	69.	Sri Thurū S/o Ganesh	Miner
47.	Sri Suratmashi S/o Paulush	T.R.W.	70.	Sri Patia S/o Somra Tigga	-do-
48.	Smt. Dulari S/o Budhu	-do-	71.	Smt. Fulla D/o Sukra	-do-
49.	Smt. Silbia D/e Iulius	Miner	72.	Smt. Etwari D/o Samu	-do-
50.	Smt. Salmi W/o Agapit	-do-	73.	Smt. Budhuni D/o Soma	-do-
51.	Smt. Fulmani D/o Manides	-do-	74.	Smt. Philomina D/o Johan	-do-
52.	Sri Topal S/o Mash	-do-	75.	Smt. Samari D/o Ledha	-do-
53.	Sri Bhimsent S/o Amrue	T.R.W.	76.	Smt. Budhan D/o Kandra	-do-
54.	Smt. Panline D/o Karlush	-do-	77.	Smt. Chani D/o Lodha	-do-
55.	Smt. Santi D/o Megho	-do-	78.	Smt. Libdhi D/o Lodha	-do-
56.	Sri Temba S/o Kinu	-do-	79.	Sri Mangra S/o Langa	Jack-H Helper
57.	Sri Soma S/o Bhokre	-do-	80.	Sri Dewa S/o Etwa	Miner
58.	Sri Kerma S/o Mity	Pump Operator	81.	Smt. Phulla W/o Bhosa	Miner
59.	Sri Bukean Lall S/o Ghasiram	Qry. Supervisor	82.	Sri Sukra S/o Birsha	Jack-H Helper

1	2	3	1	2	3
83.	Smt. Chari D/o Bhutku	Miner	107.	Sri Sanika S/o Dhani	Miner
84.	Smt. Birshi D/o Ratia	Miner	108.	Smt. Sukro D/o Budhua	-do-
85.	Smt. Jauni D/o Dheme	Miner	109.	Smt. Merry D/o Benedik	-do-
86.	Kanhu S/o Ratia	T.R.W.	110.	Smt. Birshi D/o Somra	-do-
87.	Smt. Chari D/o Langa	Miner	111.	Smt. Sirmati D/o Dubraj	-dc-
88.	Sri Butu S/o Langa	Miner	112.	Smt. Somari D/o Etwa	-do-
89.	Jagdeo S/o Deonath	T.R.W.	113.	Smt. Sirmati D/o Gopal	-do-
90.	Sri Panna S/o Bhutku	Hand Roler	114.	Smt. Parbati D/o Katiso	-do-
91.	Sri Etwa S/o Kaila	T.R.W.	115.	Smt. Jaubi D/o Mangru	-do-
92.	Srimati Mangri D/o Jema	Miner	116.	Smt. Silmuni D/o Kanaru	-do-
93.	Sri Rupnath S/o Balga	Jack-H Operator	117.	Smt. Mangri D/o Bandhu	-dc-
94.	Smt. Chari D/o Paulush	Miner	118.	Sri Ramdeo S/o Dhadhi	-do-
95.	Smt. Jawani D/o Bhutku	-do-	119.	Smt. Somari D/o Lohari	-do-
96.	Smt. Sukro D/o Sukra	-do-	120.	Smt. Muni D/o Munna	-do-
97.	Smt. Phulmani D/o Charo	-do-	121.	Smt. Budhuni W/o Pirsha	-dc-
98.	Smt. Salmi D/o Mesidas	-do-	122.	Smt. Elisobha W/o Sodrek	-do-
99.	Smt. Salmi D/o Cabriel	-do-	123.	Sri Somra S/o Chrwa	-do-
100.	Smt. Jhario D/o Etwa	-do-	124.	Sri Dhanmashi S/o Santosh	-do-
101.	Sri Bisnath S/o Mabil	-do-	125.	Smt. Flora D/o Dhanmashi	-do-
102.	Sri Soma S/o Champa	-do-	126.	Sri Labo S/o Miru	-do-
103.	Smt. Birshi D/o Lakna	-do-	127.	Sri Punna S/o Raghu	Hand Holer
104.	Smt. Jaeri D/o Birsha	-do-	128.	Sri Behkeo S/o Raghu	Hand Holer
105.	Smt. Phullo D/o Jitu	-do-	129.	Smt. Gurbari D/o Raghu	T.R.W.
106.	Sri Tihiku S/o Dhani	-do-	130.	Sri Jhingga S/o Chamra	Miner

1	2	3	1	2	3
131.	Sri V. Balan S/o G. Veleydhen	Bill Clerk	158.	Sri Sukhdev S/o Kharadayal	Hand Holler
132.	Sri Ajanilo Badi S/o Jhagudu Badi	Helper	159.	Smt. Rahil S/o Deniel	-do-
133.	Sardar Bhajan Singh.	Driver-cum- Mechanic	160.	Sri Etwa S/o Balo	-do-
134.	Sri Gadadhar Sethi S/o SHari Sethi	Helper	161.	Sri Bana S/o Lachhaman	-do-
135.	Sri Bir Bahadur	Watchman	162.	Sri Dasrath S/o Karamdayal	T.R.W.
136.	Sri R.C. Pillai	Office Assistant	163.	Smt. Gaindi W/o Karamadayal	T.R.W.
137.	Sri K. Nigayanath	Electrician	164.	Sri Johan S/o Barnadas	N.H.
138.	Sri Sarat Ch. Das S/o Ganeswar Das	L.D.C.	165.	Sri Somra S/o Budhan	-do-
139.	Sri Alexis Kujur	Supervisor	166.	Sri Anandmasi S/o Neas	C/P
140.	Jakrias Jojo	Miner	167.	Smt. Sathang W/o Anandmasi	P.R.W.
141.	Sri Nando Lal	Com.- Operator.	168.	Smt. Dayanidhi D/o Lodha	-do-
142.	Matias Jojo	Accountant	169.	Sri Bandhana S/o Madho	-do-
143.	M. Thankachand	Elect.	170.	Sri Bhorjo S/o Puttuka	-do-
144.	Jesopeth Barla S/o Johan Barla	Helper	171.	Smt. Jhiram W/o Jotto	-do-
145.	Kartik Goud	Khalasi	172.	Sri Jagdev S/o Dabinath	-do-
146.	Sri Sankar Barik	Munshi	173.	Pitrush S/o Benudik	Hand Holler
147.	Sri Bhuvani Acharya S/o Hari Acharya	T.R.W.	174.	Smt. Sabina W/o Silash	Miner
148.	Smt. Belema Munda Bijoy Munda	T.R.W.	175.	Smt. Jarti W/o Lachhaman	-do-
149.	Sri Lal Singh S/o Bhakro	-do-	176.	Smt. Birshi W/o Soma	-do-
150.	Dhuka S/o Basu	-do-	177.	Sri Tanku S/o Lanka	W/L
151.	Sri Piues S/o Ishak	-do-	178.	Sri Mahadev S/o Sila	-ao-
152.	Smt. Balo W/o Magho	-do-	179.	Sri Raghunath S/o Bidu	Miner
153.	Sri Makhana S/o Mangu	Hand Holler	180.	Smt. Ful Singh D/o Mohana	-do-
154.	Sri Lukash S/o Joseph	-do-			
155.	Sri Daniel S/o Soma	T.R.W.			
156.	Sri Hari S/o Lodhra	-do-			
157.	Sri Albish S/o Birsha	Hand Holler			

1	2	3
181.	Smt. Jira D/o Rupnath	
182.	Sri Mohan S/o Dundla	-do-
183.	Smt. Sulo	Miner
184.	Smt. Budhuni W/o Sukro	-do-
185.	Smt. Sulo W/o Ratiram	-do-
186.	Smt. Gandei W/o Gaundia	-do-
187.	Smt. Ramdulari W/o Ghbinda	-do-
188.	Sri Albish Kerketta	Pump- Operator.
189.	Sri Srinus	Miner.

2. The case on behalf of the second party-workmen, who are represented by the North Orissa Workers' Union, Rourkela, is that the 189 workmen were permanent employees of the Sundergarh Mining Labour Contract Co-operative Society Ltd. (Society) who were placed under suspension with effect from 8th January, 1972 by the Administrator of the Society by his order dated 23-3-72. Since then neither they have been paid subsistence allowance nor the order of suspension has been withdrawn nor there has been any enquiry made against them for any misconduct. Their claim is that all of them should be reinstated with back wages. One such order of suspension which was issued on 23-3-72 by the Administrator of the Society has been made annexure-I to the workmen's written statement and has been marked as Ext. 6 on behalf of the workmen.

3. The case of the First Party-Management as would appear from the written statement filed on behalf of the Society, is that the Society was formed and registered as a Co-operative Society in the year 1967. On account of mis-management of the affairs of the Society and serious financial irregularities committed by the Vice-President and the Managing Director of the Society, an enquiry was conducted under section 65 of the Orissa Co-operative Societies Act and after audit, disputes were filed against them. The Society was subsequently superseded and a Sub-Assistant Registrar of the Co-operative Societies was appointed as Administrator to run the administration of the Society, who resumed charge on 8-1-72. The Vice-President and the Managing Director who were then having full control over the labourers instigated them not to work under the new Administrator who had come on deputation from the Co-operative Societies Dept. after supersession of the Society. The Administrator of the Society issued a general notice on 8-1-72 to all the workers to join work. About 600 workers joined their duties. None of the workmen who reported to duty were refused to join. It was further stated on behalf of the Society in its written statement that suspension orders were issued to 23 workers out of whom only 13 received the same. These 23 workers who had joined hands with the ex-Vice President and the ex-Managing Director of the Society deliberately absented from work and therefore, they can not have any claim either for reinstatement or for subsistence allowance. It is also stated that the Society was constituted by individuals who contributed only their labour to the Society. In other words, the workmen of the Society were its members and without being a member of the Society an individual can not be its workman. Since the individuals against whom orders of suspension were issued were removed from the Society by the General Body in its meeting held on 15-6-72, they ceased 509 GL/90-10.

to be members of the Society and thus, they are not entitled to work in the Society. It is also contended in the written statement of the Society that the dispute referred for adjudication in this proceeding under the provisions of the Industrial Disputes Act is in competent and without jurisdiction being with regard to a Co-operative Society and adjudication of the dispute by the Tribunal is barred under section 68 of the Orissa Co-operative Societies Act.

4. The Tribunal considering the pleadings of the parties formulated the following points for decision :—

- (1) Whether the reference is in competent and not maintainable in view of the provisions of Section 68 of the Orissa Co-operative Societies Act, 1962 ?
- (2) Whether the persons named in the list of workers appended to the reference were, infact, workmen or not under the First Party ?
- (3) Whether suspension/refusal of employment had actually taken place with effect from 8-1-1972 and if so, whether it is justified ?
- (4) How many and which of the workmen have been affected by the order of suspension/refusal ?
- (5) To what relief, if any, are the second party-workmen entitled ?

5. So far as the maintainability of the reference in view of the provisions of Section 68 of the Orissa Co-operative Societies Act is concerned, the Tribunal held that the reference is maintainable. On merit, on other points it held that out of the 189 workers mentioned in the order of reference only 81 were the workmen of the Society at the material time. The Tribunal also held that the suspension order passed against 10 workmen was not justified. With these findings the Tribunal directed reinstatement of the 10 workmen.

This Award was challenged by the North Orissa Workers' Union before the Hon'ble High Court of Orissa in a writ petition (O.J.C. No. 2432 of 1982) which was disposed of by the Hon'ble High Court of Orissa on 16-11-89. Their Lordships of the Orissa High Court observed that the Award did not indicate the fact that the Tribunal considered all the materials produced before it. Further their Lordships observed that the Tribunal having itself come to the conclusion relying upon Ext. 2 that 81 persons were workmen under the First Party-Society at the relevant point of time, the finding that all of them can not be reinstated with back wages can not be sustained. Their Lordships, in the circumstance quashed the Award of the Tribunal and remitted the matter back for reconsideration of the reference afresh on the existing materials on record after giving opportunities to the parties of hearing and directed to pass an appropriate Award in accordance with law.

Both parties were accordingly heard on the issues arising for determination with reference to the materials on record and the same are being disposed of by the following order :

6. ISSUE No. 1 :

Maintainability of the reference was challenged by the First Party-Management on the ground that Section 68 of the Orissa Co-operative Societies Act, 1962 bars the reference. No opinion has been expressed by the Hon'ble High Court of Orissa in the order passed in the O.J.C. referred to above in connection with the question of maintainability of the reference. Section 68 of the Orissa Co-operative Societies Act, 1962 provides for reference of the disputes touching the constitution, management or the business of a Co-operative Society to be referred to the Registrar of the Co-operative Societies but disputes regarding disciplinary action taken by a Society or its committee against a paid servant of the Society and some other disputes are excluded from the operation of Section 68. Section 68(3) bars the jurisdiction of the Civil Court to take cognizance of the aforesaid dispute which are referred for adjudication by the Registrar of the Co-operative Societies. The matter seems to have been set at rest by the decision of our own High Court in the case of Workmen of Orissa Police Co-operative Syndicate and the State of Orissa and others, reported in 1982 C.L.T. Page

279. In the said decision it has been categorically held that an industrial dispute does not come within the purview of the disputes contemplated under the Orissa Co-operative Societies Act and is not capable of being received by the Registrar of the Co-operative Societies. The present dispute between the parties which has been referred for adjudication is an 'industrial dispute' as defined in Section 2(k) of the Industrial Disputes Act and as such, it does not come within the purview of Section 68 of the Orissa Co-operative Societies Act so as to bar the jurisdiction of the State Government to make the reference for adjudication of the same and to bar the jurisdiction of the Tribunal to entertain the same.

It has been contended on behalf of the Management that the workmen of the Society (second party) were members of the Society and after they were removed from the membership of the Society they ceased to be the 'workmen' and a dispute in connection with them is a dispute which comes within the purview of Section 68 of the Orissa Co-operative Societies Act. The present dispute before us, however, is not a dispute relating to the membership of the second party-workmen in the Society. The dispute concerns the employment/non-employment/refusal of employment to the second party-workmen by the employer, namely, the Society and as such, it is an industrial dispute cognizable under the Industrial Disputes Act, 1947. Accordingly, I would hold that the reference is competent and maintainable.

7. ISSUE NO. 2 :

This issue relates to the question as to whether the persons named in the list of workers appended to the reference were in fact workmen or not under the First Party.

So far as this questions are concerned we find from the evidence of W.W. 1, who was the Inspector (Time) in the Purunapani Lime Stone Quarry during the relevant period that there was a labour unrest and then the Management entered into a settlement with the Union as per the terms of which registers concerning labourers working in the Purunapani Lime Stone Quarry were maintained. He proved the settlement Ext. 1. He further stated that the First Party was working in the said Quarry with 500 to 400 labourers and he knew some of them. He stated that he could find only three bound registers containing the names of the workers and the rest of the registers had been eaten away by white ants. He prepared a list of 81 workmen (Ext. 2) which he could get from the registers Exts. 3, 4 and 5. According to him, the Asstt. Labour Commissioner, Rourkela gave a list of workers which he checked up from the 'B' form register and after such checking he could identify 81 names out of the list supplied by the Asstt. Labour Commissioner which he mentioned in Ext. 2. It was brought out during his cross examination that some of the labourers who had been working with the Contractor also worked in the Society after it was taken over by the Government but he could not say who were they. He stated that after the Government took over the Management of the Society the labourers under the previous Management came to their office for employment but none of them gave anything in writing in their office claiming employment. According to him, no list was prepared in respect of the workers who came and demanded work.

W.W. 2, who had been working in the Society as an Office Assistant since 1967 stated that the Society stopped work in October, 1971 when it was superseded but when it started work again in 1972 he was not given any employment and was told that he had been placed under suspension. He stated that the Administrator of the Society did not give any notice to him to join his duties and he could not say if such notice had been given by the Administrator to the other workers. During his cross examination he admitted that he worked on piece rate basis in the Mahadevprasad Mining Corporation. He also admitted that he did not request the Management of the Society in writing for re-employment. W.W. 3, who also worked as a Supervisor in the Society under the previous Management stated that when the Society started work in 1972 he alongwith others demanded work but the Society did not give any work to them. He admitted that he received the order of suspension Ext. 6 from the First Party-Management and thereafter was not allowed to work. During his cross examination he stated that he did

not receive any notice from the Administrator of the Society asking him to join work but stated that it may be that a notice was pasted in the Notice Board. He also admitted that many persons joined after the Administrator started the work. Though he stated that they all went and demanded before the Administrator to be given work and also Administrator denied to give them employment and also threatened them, he did not say who really went to the Administrator seeking re-employment. He admitted that he did not give anything in writing to the Administrator for re-employment. He also admitted that since 1973 he has been working under the Contractor R.C. Sahoo at Purunapani, W.W. 4, who worked as a Jack Hammer Operator in the Society under the previous management stated that after the Society started functioning under the new Management he was not re-employed and was threatened when he demanded re-employment. He stated that he was kept under suspension. W.W. 5 similarly stated about his own case and not about others. He stated that after the Society started re-functioning he was not given work. According to him, he went and requested the Society for being given work but he was refused. He stated that he did not receive any suspension order though the Administrator told him that he had been suspended. W.W. 6 stated that he worked in the Society under the previous Management but the subsequent management refused him work. He also did not receive any suspension order. W.W. 7 was the Secretary of the Society. He stated that after the Society started re-functioning he was not given employment and was told that he had been placed under suspension. He stated that when the labourers demanded work they were told that they had been placed under suspension. His name, according to him, does not find place in the list of workers given in the order of reference. He could not say as to how many labourers of the Society under the previous Management joined Society after the management passed into the hands of the Administrator.

On behalf of the Management, the Administrator and the Chief Supervisor were examined but nothing has been brought out from them on the question as to who were the workers of the Society.

8. In the circumstance, the only evidence that remains is that of W.W. 1 and the list of 81 workers Ext. 2 prepared by him from the form 'B' register. Identity of the rest of the persons given in the order of reference has not been established. In the circumstance, I would hold that 81 persons as per the list Ext. 2 are workmen of the Society. So far as others are concerned it is not proved that they are the workmen of the Society.

9. ISSUE NOS. 3 and 4 :

So far as these issues are concerned, it is necessary to find out as to whether there has been suspension orders issued by the First Party-Management against the workmen on 8-1-72 and how many were affected by such order of suspension. It is also necessary to find out as to if there was refusal of employment by the management to the workmen and if so how many were refused employment.

10. In this connection, I may refer to the statement of claim filed on behalf of the second party-workmen on 1-7-89. In paragraph 3 therein it has been stated that "the Administrator of the Society placed the workmen under suspension with effect from 8-1-72 vide his letter dated 23-3-72. One copy of the letter is attached herewith as Annexure-I". Annexure-I is an order dated 23-3-72 sent to Gajendra Singh informing him that since he failed to report himself for duty after the management of the Society was taken over by the Administrator he was placed under suspension pending further charges against him. He was also intimated that during the period of suspension no allowance would be paid to him. Gajendra Singh has been examined in this proceeding as W.W. 3 and the order of suspension issued to him has been proved by him as Ext. 6.

In the written statement filed on behalf of the first party-Management it has been stated that after assuming charges, the Administrator issued a general notice intimating all workers of the Society to join work. About 600 workers joined work at Purunapani in response to the notice and others did not. It is also stated that it appeared from the despatch register of the Society that notices of suspension

were issued to 23 persons but only 13 persons received the same. It is also stated that no action thereafter was taken against them. M.W.2, the Administrator of the Society at the relevant time stated in his evidence that after he took over charge on 8-1-72 he wanted to start work in the Purunapani Quarry. On 12-1-72 he issued notice to all the ex-workmen-members to join work. Those who turned up for work were employed but some did not turn up because they did not want to continue in the Society under the new Management. M.W.2 admitted that in the circumstance, just to threaten some workers he issued some suspension orders with the hope that the workers would come and approach for employment. He also stated that all the suspension orders were not issued. He denied that he refused work to anybody. The Management in its written statement mentioned that suspension orders were issued to as many as 23 persons details of whom were furnished in Annexure-I. There was, however, no annexure attached to the written statement filed by the Management. However, on behalf of the second party-workmen a list of 23 persons which was said to have been given to them by the Management was produced and it was agreed that suspension orders were issued to those 23 persons. The persons are (1) Sri S. K. Dash, (2) Sri M. M. Thankachan (3) Sri K. R. Heldar, (4) Sri Balan, (5) Sri Furdush Kutur, (6) Sri R. C. Pillai, (7) Sri K. Thankappan, (8) Sri K. V. Math, (9) Sri Gajendra Singh, (10) Sri A. Kujur, (11) Sri B. D. Dash, (12) Sri Jakriash Jojo, (13) Sri Matiash Jojo, (14) Sri Bhajan Singh, (15) Sri Manmashi Kujur, (16) Sri Danied Maman, (17) Sri Martin Barla, (18) Sri Clement Xess, (19) Sri James Ming, (20) Sri Silash Munda, (21) Sri Bhagawan Das, (22) Sri G. C. Dash & (23) Sri Bhukhan Lal. Out of the persons named in the list, R. C. Pillai has been examined as W.W.2, Gajendra Singh has been examined as W.W.3 and Martin Barla has been examined as W.W.4. None of them have said that 189 workers wanted to work in the Society but they were refused employment. W.W.7, the Secretary of the Society, who stated that he was refused employment, is a person whose name does not find place in the list of workers appended to the order of reference. In the circumstance, it is not possible to hold that all these people went to work in the Society but were refused employment. However, in view of the admission made by the Management in their written statement, as also, in the evidence and also by M.W.2 in his evidence there had been suspension of 23 workmen named above. The management sought to explain away the orders of suspension saying that the intention for issue of such orders was to complete the workmen to come and report for duty. Whatever be the motive for issue of such orders, fact remains that those were orders of suspension issued by the Management pending issue of charge sheet against them as would appear from Ext. 6 and certainly this amounts to refusal of employment particularly when there were no charge sheets issued against them. In the circumstances, I would hold that there were suspension orders and refusal of employment in respect of the 23 workmen named above. So far as others are concerned there is no evidence at all to record a finding that there had been either suspension orders issued against them or refusal of employment to them.

11. ISSUE No. 5.—Now coming to the question of relief, the normal relief should be reinstatement with back wages. However, it appears from the evidence of W.W.2 R. C. Pillai that after refusal of work to him he worked on piece rate basis in Mahadevprasad Mining Corporation. In the circumstance, he would not be entitled to any back wages. W.W.3 Gajendra Singh stated in his evidence that since 1973 he was working under the Contractor R. C. Sahoo at Purunapani. In the circumstance, he would be entitled to back wages from 8-1-72 till the end of December, 1972.

12. The alleged refusal of employment by suspension was made on 8-1-72. Reference by the Government of India in the Ministry of Labour was received in the Tribunal in the year 1980. As disclosed in the evidence, in a very peculiar circumstance, the workers remained out of employment. Taking into consideration all the circumstances revealed in the evidence and the fact that the employer is a Co-operative Society of which the employees are members, I think, full back wages should not be allowed to the concerned workmen. Payment of back wages at the rate

of 50 per cent of their wages which they had last drawn for the period from 15-5-80 i.e. the date of reference till their reinstatement will meet the ends of justice.

In conclusion, therefore, I would hold that the above named 23 workmen were suspended/refused employment by the Management with effect from 8-1-72 and the said suspension/refusal of employment is illegal and unjustified.

Out of the 23 workmen, though the names of Sri G. C. Das W.W.7, Sri K. V. Math, Sri Silash Munda and Sri Bhagawan Das are included in the list of the suspended employees, their names do not find place in the list of workers appended to the order of reference. Therefore, the present award will govern the rest 19 workers who will be entitled to reinstatement. So far as back wages are concerned all except R. C. Pillai W.W.2 and Gajendra Singh W.W. 3 would be entitled to back wages at the rate of 50 per cent of the wages they had last drawn from the date of the reference ie., 15-5-80 till they are reinstated. R. C. Pillai is not entitled to any back wages but Gajendra Singh would be entitled to back wages at the rate of 50 per cent of the wages he had last drawn for the period from 8-1-72 till the end of December, 1972.

The reference is answered accordingly.

[No. L-29011,28/28/78-D.III.(B)]

S. K. MISRA, Presiding Officer

का. आ. 617.—ओद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार बैलाडिला आयरन और प्रोजेक्ट पी. ओ. किरन्दुल (म. प.) के प्रबन्धतंत्र के सम्बद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट ओद्योगिक विवाद में केन्द्रीय सरकार ओद्योगिक अधिकरण, जबलपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 7-2-1990 को प्राप्त हुआ था।

S.O. 617.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Jabalpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Bailadila Iron Ore Project, P.O. Kirandul (M.P.) and their workmen, which was received by the Central Government on 7-2-1990.

ANNEXURE

BEFORE SHRI V. N. SHUKLA, PRESIDING OFFICER,
CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-
LABOUR COURT, JABALPUR (M.P.)

Case No. CGIT/LC(R)(56) of 1985

PARTIES :

Employers in relation to the management of Bailadila Iron Ore Project, Deposit No. 14, P. O. Kirandul, District Bastar (M.P.) and The Secretary, Metal Mines Worker's Union (INTUC), Bailadila Iron Project, Deposit No. 14, P. O. Kirandul, Distt. Bastar (M.P.).

APPEARANCES :

For M.M.W. Union—Shri A. B. Khan.

For Management.—Shri R. Monen, Advocate.

INDUSTRY Iron Ore Mine. DISTRICT : Bastar (M.P.).

AWARD ORDER

Dated, January 29th 1990

The following reference was made by the Government of India vide Notification No. L-26012/11/83-D.III.B. dated 19th June, 1985, for adjudication :—

"Whether the action of the N.M.D.C. Bailadila Iron Ore Deposit 11 in not allowing the better leave facilities and other benefits as per NMDS Service Regulations to Shri K. P. Panda, Core Driller Operator is justified ? If not, to what relief is the workman entitled ?"

2. A letter was issued by the Government of India, Ministry of Labour, No. L-26012/11/83-S.III(B) dated 3rd April, 1987 to the effect that it was found that the copy of the order was not sent to the Metal Mines Workers' Union which was a party in the dispute through mistake and instead it was sent to the Secretary Bhartiya Khadan Shramik Sangh (HMS) wrongly. As a result of which the concerned party did not receive any communication from this Court and the case was decided ex parte in the absence of the Metal Mines Workers' Union.

3. On receipt of this letter dated 3rd April, 1987 my predecessor issued notice to the Metal Mines Workers' Union and it was heard.

4. In this case, unfortunately Metal Mines Workers' Union has not been made a party in the order of Reference dated 19th June, 1985, but Secretary, Bhartiya Khadan Shramik Sangh (HMS), C. 15, Behind Post Office, P. O. Kirandul, District Bastar (M.P.) was made a party and the notice was issued to it. It was served as well. Thereafter, the case proceeded and the award was given. After award was passed on 30th July, 1986 and published vide Notification dated 14th August, 1986, the case was closed and therefore now it cannot be reopened on the letter of the Government of India because by mistake notices were not issued to Metal Mines Workers' Union. It was in fact not a party in the order of reference dated 19th June, 1985 and mistake, if occurred, cannot be accounted to the Court. The Court acted in accordance with the order of reference and notices were issued to the parties under reference by virtue of the said order dated 19th June, 1985.

5. Thus once the case having been decided in accordance with the order of reference, it is not open to the Court to set aside the award or reopen the case on the basis of letter of the Government. Notice which itself conveys different meaning than what is really meant. The facts given in the letter are also not correct. The relevant part of its runs as under :—

"It is found that the copy of the order was not sent to the Metal Mines Workers' Union which was a party in the dispute through mistake. Instead, it was sent to the Secretary, Bhartiya Khadan Shramik (HMS) wrongly. As a result the concerned party did not receive any communication from your Hon'ble Court and the case was decided ex parte in the absence of the Metal Mines Workers' Union."

6. I may specifically point out that the version given in the letter is not correct as already stated above. Metal Mines Workers' Union was never a party. It was Bhartiya Khadan Shramik Sangh (HMS) which was made a party rightly or wrongly and accordingly notices were issued by the Court and the case was decided.

7. Now it for the Government of India to see as to what other remedy is available to it or this matter can be adjudicated by a fresh reference, restraining myself from making any comments on this point. Application of the Government accordingly stands filed.

V. N. SHUKLA, Presiding Officer
[No. L-26012/11/83-D.III(B)]

नई दिल्ली, 22 फरवरी, 1990

का. श्र. 618.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मोसाबानी माइन्स आफ मैसर्स हिन्दुस्तान कापर लि., आई. सी. सी. के प्रबन्धतंत्र के सम्बद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट

औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, धनबाद के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 15-2-1990 को प्राप्त हुआ था।

New Delhi, the 22nd February, 1990

S.O. 618.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Dhanbad, as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Mosabani Mines of M/s. Hindustan Copper Ltd., I.C.C. and their workmen, which was received by the Central Government on 15th February, 1990.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

PRESENT:

Shri I. N. Sinha, Presiding Officer.

Reference No. 305 of 1987

In the matter of an industrial dispute under Section 10(1)(d)
of the I.D. Act, 1947

PARTIES:

Employers in relation to the management of Mosabani
Group of Mines of HCL/ICC
AND

Their workmen.

APPEARANCES:

On behalf of the workmen—Shri Anil Sarkar, Secretary,
United Trade Union Centre (L.S.) Bihar State Committee.

On behalf of the employers—Shri R. S. Murthy, Advocate.

STATE : Bihar.

INDUSTRY : Copper Mines.

Dhanbad, the 8th February, 1990

AWARD

The Government of India, Ministry of Labour in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-43012/27/87-D. III(B), dated the 3rd December, 1987.

SCHEDULE

"Whether the management of Mosabani Mines of M/s. Hindustan Copper Limited I.C.C. District Singhbhum are justified in superannuating Shri Ram Rai Hembrom, B.N. 7596, Fan Operator-I w.e.f. 31st July, 1987? If not, what relief the workman is entitled?"

The case of the workmen is that the concerned workman Shri Ram Rai Hembrom was working in Mosabani Mines of M/s. Hindustan Copper Ltd. Initially he was appointed as Survey Boy on 10th May, 1951 and subsequently he was upgraded as Fan Operator in T-VI grade. At the time of his first appointment on 10th July, 1951, the age of the concerned workman was recorded in the management's record as 20 years as on 10th July, 1951. The said age was subsequently confirmed by the Mines Superintendent of Mosabani Mines by his letter dated 21st September, 1974 and till that date the age of the concerned workman remained in the records of the management as 20 years as on 10th July, 1951. Under the terms of the tripartite settlement dated 27th November, 1985 the age of superannuation of a workman in Mosabani Mines was fixed at 60 years. In accordance with the particulars of age of the concerned workman entered in the records of the management and the terms of the tripartite settlement, the concerned workman would complete 60 years

of age on 10th July, 1991. The concerned workman, however, was served with a notice of superannuation dated 30th January, 1987 advising him that he would superannuate from the service of the company at the close of business on 31st July, 1987 as per records maintained by the company. There was apparently contradiction in the recording of the age of the concerned workman in the records of the management and as such the concerned workman made a representation to the management against his superannuation with effect from 21st July, 1987 and he submitted that he should be superannuated on 10th July, 1991. The Copper Mazdoor Union of which the concerned workman is a member also took up the case of the concerned workman with the management requesting the management to correct the discrepancy in the records of the management and to allow the concerned workman to continue in his job till he completes 60 years of age on 10th July, 1991. The management, however, superannuated the concerned workman on 31st July, 1987 without giving any chance to the concerned workman to defend his age as recorded in the service register of the company on its first appointment on 10th July, 1951. Thereafter the union raised an industrial dispute before the ALC(C) Chaibasa whereupon the ALC(C) took up the matter in conciliation with the management. The conciliation failed and thereafter the present reference was made to this Tribunal for adjudication. In the above facts it is submitted on behalf of the workmen that the action of the management of Mosaboni Mines in earlier retirement of the concerned workman with effect from 31st July, 1987 is arbitrary and unjustified. It is prayed that the superannuation of the concerned workman from 31st July, 1987 was not justified and that the concerned workman should be reinstated to his original job with continuity of service from 31st July, 1987 with full back wages.

The case of the management is that the concerned workman was first appointed on 24th January, 1947 as Survey Boy in Mosaboni Mines. He was appointed for the second time in Mosaboni group of Mines as a Survey Boy with effect from 10th July, 1951. His age was recorded as 28 years in Form B Register of the Mines at the date of his appointment alongwith other particulars. The relevant entries in Form B Register was duly attested by the concerned workman by affixing his signature and as such this constituted an admission on his part regarding the correctness of his age and he is bound by the same. The concerned workman cannot be permitted to resile from the same in as much as the entries regarding age were recorded on the basis of the particulars furnished by the concerned workman. The age of superannuation for the employees of the management is 60 years. The concerned workman attained the age of 60 years on superannuation on 10th July, 1983 but due to oversight and default on the part of the concerned staff, the concerned workman could not be superannuated with effect from 10th July, 1983 and he continued in his service beyond the age of his superannuation. The mistake was detected in January, 1987 and then the concerned workman was given 6 months notice vide letter dated 31st July, 1987 stating that he will be superannuated from the Company's service on 31st July, 1987. As per tripartite settlement dated 27th November, 1985 which is binding on all the employees of the management, the age of the concerned workman as recorded in Form B Register maintained under the Mines Act was final. In face of the said provision in the tripartite settlement and also in face of the entries in Form B register as attested by the concerned workman, he was legally stopped from questioning the action taken by the management. On receipt of the notice of superannuation the concerned workman made a representation to the management which was duly considered in the light of the company's policy and the tripartite settlement dated 27th November, 1985 and the same was rejected. In fact the concerned workman remained in service of the management much longer than he was entitled to be in the employment. In view of the above facts the action of the management in superannuating the concerned workman from service with effect from 31st July, 1987 is fully justified and the concerned workman is entitled to no relief.

The point for decision is whether the superannuation of the concerned workman with effect from 31st July, 1987 is justified.

The management and the workmen each examined two witnesses in support of their case. The documents of the man-

agement are marked Ext. M-1 to M-11. The workmen did not exhibit any document.

According to the management the concerned workman has been superannuated on the basis of his age recorded in Form B Register. Ext. M-9 is the photo copy from Form B Register of Mosaboni Mines which shows the age of the concerned workman in Badge No. 7596 and Sl. No. 211 as 28 years on 10th July, 1951 which was the date of commencement of his employment. Admittedly the Indian Mines Act is of 1952 and the rules made thereunder are of the year 1954. Even according to the case of the management the concerned workman was appointed for the second time in Mosaboni Mines as Survey Boy with effect from 10th July, 1951 and thus the concerned workman was appointed in Mosaboni Mines prior to the passing of the Indian Mines Act and the rules made thereunder in 1954. MW-1 in cross-examination has stated that when a workman is appointed in the mine his date of birth/age is entered in Form B Register on the date of his appointment. He has further stated that as the concerned workman was first appointed in 1947 no entry of his age was made in Form B register as at that time the Mines Act had not come into operation. Even the evidence of MW-1 will further lead us to the conclusion that as the Mines Act did not come into operation prior to 1952, the age/date of birth of the concerned workman was not entered in any Form B Register on the date of his appointment as Form B Register in Mosaboni Mines was introduced after the passing of the Indian Mines Act. WW-1 is working as Time Keeper in Mosaboni Mines since 1953. He has stated that service card is prepared in respect of each workman appointed by Mosaboni Mine. Ext. M-10 is the service card of the concerned workman and it bears the signature of the then Employer Shri H. E. Ton Ton. WW-1 has further stated that Form B Register of the workmen of Mosaboni Mine was prepared sometimes towards the end of 1955 or towards the beginning of 1956 for the first time. The evidence of WW-1 that Form B Register of the workmen of Mosaboni Mine was prepared for the first time towards the end of 1955 or towards the end of 1956 appears to be correct in view of the fact that the Mines Act itself came into operation in 1952 and the rules were made thereunder in 1954. It is clear therefore that Form B Register of which Ext. M-9 is a photocopy extract was prepared not at the time when the concerned workman was appointed for the first time or the second time in Mosaboni Mines and that it was subsequently prepared and the signature of the concerned workman was obtained on it. If the age recorded in Form B Register Ext. M-9 as 28 years as on 10th July, 1951 is taken into consideration, the age of superannuation of the concerned workman will be 10th July, 1983. Ext. M-3 dated 21st August, 1974 is a notice issued by the Mines Superintendent to the concerned workman regarding his superannuation. It will show that in company's records his age as on 10th July, 1951 was recorded as 20 years. MW-1 has stated that a notice dated 21st September, 1974 was issued to the concerned workman regarding his age as entered in company's records under the signature of Shri M. N. Sahay, Administrative Officer who had signed for the Mines Superintendent. MW-1 has stated that the concerned workman was informed by the said notice Ext. M-3 that the concerned workman was aged 30 years on 10th July, 1951 which does not appear to be correct when we carefully peruse the entry in Ext. M-3. Ext. M-3 clearly shows that as per company's records the age of the concerned workman as on 10th July, 1951 was 20 years. This entry in Ext. M-3 is not without any basis. Ext. M-11 is the original service card of the concerned workman prepared by the company. It will show that the age of the concerned workman was entered as 20 years in the service card Ext. M-11 and in the column 'date of employment' it is noted as 10th July, 1951. The age in Ext. M-3 appears to have been prepared on the basis of the entry in Ext. M-11 which was the only original record which was prepared at the time of the appointment of the concerned workman. It is submitted on behalf of the management that the entry of age of the concerned workman in Ext. M-11 as 20 years is not as on 10th July, 1951 but it was as on 14th January, 1947 when he was first appointed in Mosaboni Mines. The learned Advocate appearing on behalf of the management has referred to the first entry in the service record of changes in the designation etc. that the concerned workman was appointed on probation for 6 months as Survey boy on 24th January, 1947 and that the age 20 years recorded in the service card was as on 24th

January, 1947 when the concerned workman was first appointed in Mosaboni Mines. The entries in Ext. M-11, therefore, appears to be quite confusing and it appears that the management had taken the age of the concerned workman as 20 years as on 10th July, 1951 and on its basis had issued the notice of superannuation Ext. M-3.

WW-2 Ram Rai Hembrom is the concerned workman. He has stated that he was aged 20 years when he had joined service in 1951. He has stated that even before 1951 he had worked as Survey Boy at Mosaboni Mines in 1947 when he was aged 16 years only. The concerned workman therefore asserts that he was aged 20 years in 1951. On reference to the age of the concerned workman recorded in Ext. M-3, M-9 and M-11, it will appear that the age of the concerned workman recorded in the service record which was the earliest record of the management and Form B Register Ext. M-9 which was prepared in 1955 or 1956 was not consistent. Ext. M-1 dated 27th November, 1985 is a memo of settlement arrived at under Section 12(3) of the I.D. Act between the management of Mosaboni Group of Mines and their workmen before the ALC(C) Chaibasa. It shows that the parties had agreed that in respect of employees whose age has been recorded in the concerned original Form B Register maintained under the Mines Act and rules made thereunder shall be final for them. In para-3 of the terms of settlement it was agreed that in respect of employees who were not covered under para 1 and 2 above and whereas any dispute arose in this regard, both the parties will discuss the matter mutually and in case of difference of opinion between them, the decision of the Company's Medical Board shall be final. It further provides that the company's Medical Board constituted in this regard as and when required shall consist of 3 company's doctors/Medical Officers. I have already discussed above that the Form B Register Ext. M-9 relating to the concerned workman was not actually prepared at the time of the appointment of the concerned workman and was prepared subsequently. The workmen and the management are disputing about the correct recording of the age of the concerned workman in Form B Register and according to the workmen the earliest record of the management, namely, the service card Ext. M-11 does not support the case of the management so as to superannuate the concerned workman with effect from 31st July, 1987. Thus in order to resolve the entire dispute regarding the age/date of birth of the concerned workman, I think the best course is to refer the concerned workman to the company's medical Board for determining his age in accordance with the terms of settlement Ext. M-1 which binds the management as well as the union.

In the result, I hold that the management of Mosaboni Mines of M/s. Hindustan Copper Ltd. do not appear to be justified in superannuating the concerned workman with effect from 31st July, 1987 without referring his case for the determination of his age by the company's medical Board. The management is therefore directed to constitute a medical board for the determination of the age/date of birth of the concerned workman for which a notice should be issued to the concerned workman informing him about the date when the concerned workman has to appear before the Medical Board within 2 months from the date of publication of the Award. The age determined by the company's medical Board will be final and reinstatement of the concerned workman or his superannuation will depend on the age so determined by the Medical Board. If the Medical Board find that the superannuation of the concerned workman with effect from 31st July, 1987 was not correct, the concerned workman should be reinstated with all back wages and he should be superannuated on the basis of the age/date of birth assessed by the Medical Board.

An Award is passed accordingly.

I. N. SINHA, Presiding Officer
[No. L-43012/27/87-D. III(B)]
S. VENUGOPALAN, Desk Officer

नई दिल्ली, 15 फरवरी, 1990

का. आ. 619.—आद्योगिक विवाद अधिनियम, 1947 (1947 का 11) की धारा 17 के अनुसार में, केन्द्रीय सरकार व ईस्टर्न कॉलफील्ड्ज लिमि., बैलारपुर के

कोलियरी के प्रबन्धतंत्र के संबंध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कलकत्ता के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 13-2-90 को प्राप्त हुआ था।

New Delhi, the 15th February, 1990

S.O. 619.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Calcutta as shown in the Annexure in the industrial dispute between the employers in relation to the management of Jaykaynagar Colliery of M/s. Eastern Coalfields Ltd., and their workmen, which was received by the Central Government on 13th February, 1990.

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT CALCUTTA

Reference No. 12 of 1984

PARTIES :

Employers in relation to the management of Jaykaynagar Colliery of M/s. Eastern Coalfields Ltd., Post Office Jaykanagar (Burdwan).

AND

Their workmen

PRESENT :

Mr. Justice Sukumar Chakravarty ..Presiding Officer.

APPEARANCES :

On behalf of employers.—None.

On behalf of workmen.—None.

STATE : West Bengal.

INDUSTRY : Coal.

AWARD

By Order No. 1-19012(37)83-D.IV(B) dated 7th May, 1984, the Government of India, Ministry of Labour & Rehabilitation (Department of Labour) referred the following dispute to this Tribunal for adjudication :

"Whether the action of the management of Jaykaynagar Colliery of M/s. Eastern Coalfields Ltd., Post Office Jaykaynagar, Distt. Burdwan in dismissing Shri Thatu Majhi, Diesser-cum-Recess Cutter with effect from 22-10-80 is justified ? If not, to what relief the workman concerned is entitled ?"

2. When the case is called out today, nobody appears from either side inspite of the service of the registered notice. No petition has also been received from either party for an adjournment. It appears from the record that the parties did not appear on previous occasions also inspite of the receipt of the notice.

3. In the circumstances, it appears that the parties are not interested to proceed with the present reference. So I have no other alternative but to pass a "No Dispute Award" and accordingly a "No Dispute Award" is passed.

This is my Award.

Dated, Calcutta,

The 6th February, 1990.

SUKUMAR CHAKRAVARTY, Presiding Officer
[No. L-19012(37)83-D.IV-B]IR(C.II)

नई दिल्ली, 21 फरवरी, 1990

का. आ. 620.—आद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसार में, केन्द्रीय सरकार व ईस्टर्न कॉलफील्ड्ज लिमि., बैलारपुर के

प्रबन्धतत्र के संबद्ध नियोजकों और उनके न्यायारों के बीच, अनुवंश में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, स. 2, बम्बई के पंचपट को प्रकाशित करता है, जो केन्द्रीय सरकार को 13-2-90 को प्राप्त हुआ था।

New Delhi, the 21st February, 1990

S.O. 620.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal No. 2, Bombay as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Western Coalfields Limited and their workmen, which was received by the Central Government on 13-2-1990.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2, BOMBAY

Misc. Application No. 2/3 of 1986

IN

Reference No. CGIT-2/64 of 1985

PARTIES :

Koyal Shramik Sabha—Applicant.

Vs.

M/s. Western Coalfields Ltd., Ballarpur—Respondent.

APPEARANCES :

For the Applicant—Shri Satish Bajaj, Advocate.

For the Respondent—Shrimati Indira Nair, Advocate.

ORDER

Dated the 22-1-1990

The Central Government by their Order No. L-22012 (55)/84-D.V dated 3-9-1985 referred the following industrial dispute to this Tribunal for adjudication under Section 10(1)(d) of the Industrial Disputes Act :—

"Whether the action of the management of M/s. Western Coalfields Limited, Wardha Valley Area, Ballarpur Collieries 3 and 4 pits sub-Area No. 4, P.O. Ballarpur, Distt. Chandrapur (MS) is justified in terminating the services of the workman Shri Ram Bharose, S/o. Shri Kalidin T.C.L. with effect from 19-4-1984? If not, to what relief the workman is entitled?"

2. The General Secretary of Koyal Shramik Sabha filed its statement of claim on behalf of the said workman in support of its case. The management of M/s. Western Coalfields Ltd. filed the necessary written statement opposing the prayer of the Union. Thereafter the necessary Issues were framed by the Court on 18-11-1985. The matter was thereafter adjourned for evidence to 17-12-1985. On that day the workman remained absent. The witness for the management was present. My learned predecessor recorded the evidence of the witness for the management, and thereafter passed an Award on 30-12-1985 upholding the action of the management and holding that the termination of the services of the workman was just and proper.

3. Against that order the workman has filed the present miscellaneous application. In substance he alleged in his application thus :—

Through mistake he had noted down the date of hearing as 16-1-1986 instead of the real date 17-12-1985. On 16-1-1986 when his Advocate came to the Court, it was learnt that the matter was already decided on 17-12-1985. There was a bonafide mistake on the part of the workman in noting down the date and informing his Advocate about it. The

applicant workman therefore prayed that the said order (Award) be set aside, and that the matter be restored to file and be decided on merits.

4. This application of the workman has been opposed by the management by their written statement, and contended that even though the Advocate for the workman could not appear, the workman and the Union representative should have appeared in the Court on 17-12-1985, as the workman was fully aware of the correct date on the previous date. As such the management prayed for the dismissal of the present application of the workman.

5. Points for determination are :—

- (1) Whether the Applicant workman's application dated 3-2-1986 is tenable in law?
- (2) Whether there are good grounds to revoke and set aside the Award declared on 30-12-1985?
- (3) What order ?

6. My findings on the above points are :—

- (1) Yes
- (2) Yes.
- (3) As per final order.

REASONS

Point No. 1

7. Under Section 17(2) of the Industrial Disputes Act, subject to the provisions of Section 17-A, the award published under sub-section (1) shall be final and shall not be called in question by any Court in any manner whatsoever. Under Section 17A of the said Act, an award (including an arbitration award) shall become enforceable on the expiry of thirty days from the date of its publication under Section 17. Therefore the combined effect of the said two provisions is that the Award becomes final and cannot be called in question by any Court after the expiry of thirty days from the date of its publication. In the present case the award was passed on 30-12-1985. The notification dated 21-1-1986 issued by the Desk Officer of the Ministry of Labour, Government of India, states that the said award was to be published in the Gazette of India not later than the 1st February, 1986. The said Award dated 30-12-1985 was to be published in the Gazette of India by at the most 1-2-1986 and it becomes enforceable thirty days thereafter. Thus it becomes a final Award and shall not be called in question by any Court in any manner after about first week of March, 1986. In the present case the application to set aside the said Award has been filed on 3-2-1986. Thus it has been filed much before the expiry of the period of thirty days from the date of publication of the said Award. Therefore, the present application is quite tenable in law. Issue No. 1 is found in the affirmative.

Point No. 2

8. The reference in question was received by this Tribunal on 16-9-1985. Thereafter the management filed its written statement on 25-10-1985. The Court had framed Issues only on the basis of the written statement of the management on 18-11-1985. However, the workman filed his claim statement on 22-11-1985. Admittedly, the workman and his representative remained absent on 17-12-1985. On that day the Court recorded the evidence of the witnesses of the management and passed the Award on 30-12-1985. As the workman had filed his statement of claim on 22-11-85, then in the ordinary course Issues framed only on the strength of the written statement should have been reconsidered on the adjourned date and the Court should have framed additional Issues on the basis of statement of claim. However, no additional Issues were framed accordingly. After the additional Issues were framed, evidence of the witnesses of the management should have been recorded. Admittedly, the workman was present on 22-11-1985. According to him he thereafter wrongfully noted the next date as 16-1-1986 instead of the correct date 17-12-1985. He filed the necessary affidavit in support of his contentions. On 17-12-1985 the workman remained absent, and as such the evidence of the management witnesses went unchallenged, and no evi-

dence on the part of the workman could be recorded on that day. I find that it was a bona fide mistake in noting the next date as 16-1-1986 instead of as 17-12-1985. He had filed his claim statement only on the earlier date, and as such there was no considerable delay on his part in the matter. I, therefore, find that there are good grounds to set aside the Award dated 30-12-1985 and to restore the original reference to file for fresh hearing. Point No 2 is therefore, found in the affirmative.

Point No. 3

9. Hence, the following order is passed.

ORDER

The Award dated 30-12-1985 is hereby set aside, and the original reference is restored to file for fresh hearing.

P. D. APSHANKAR, Presiding Officer
[No. L-22012(55)/84-D.V/IR(CoI II)]

R. K. GUPTA, Desk Officer